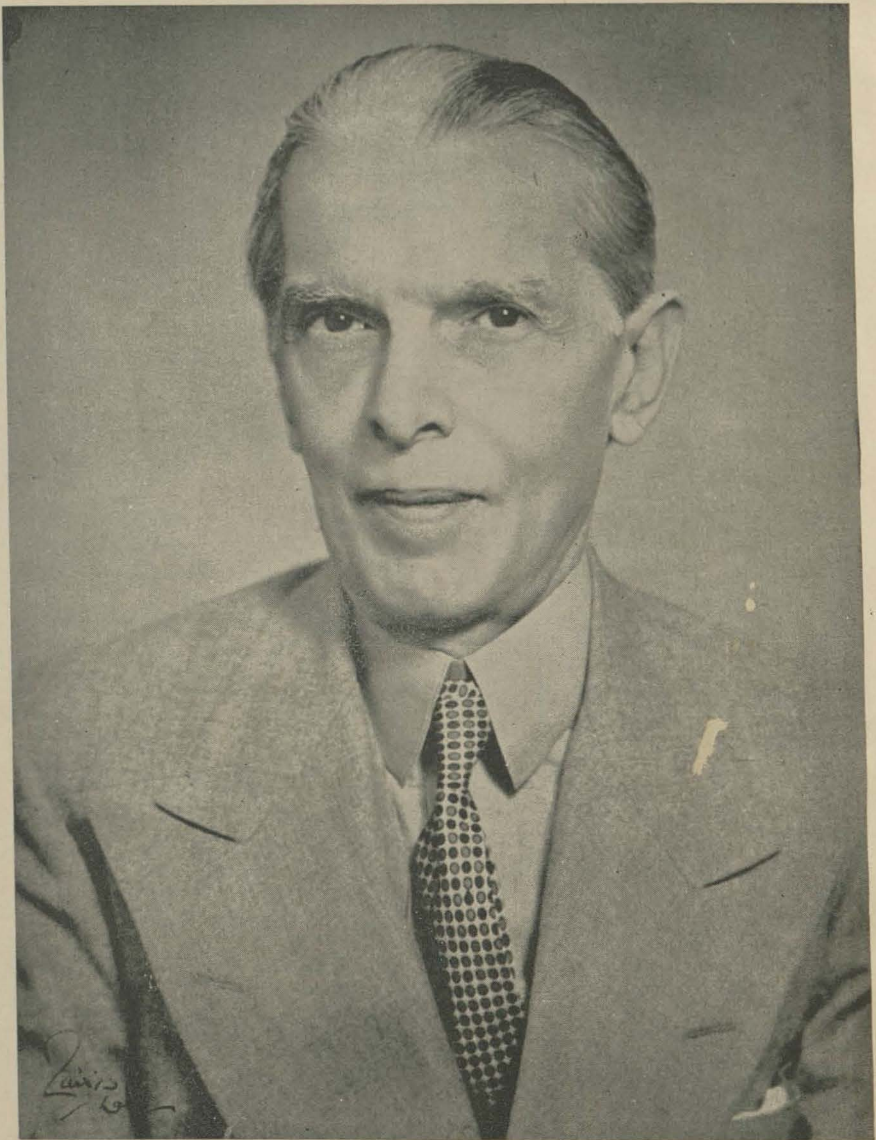
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THE FATHER OF THE NATION



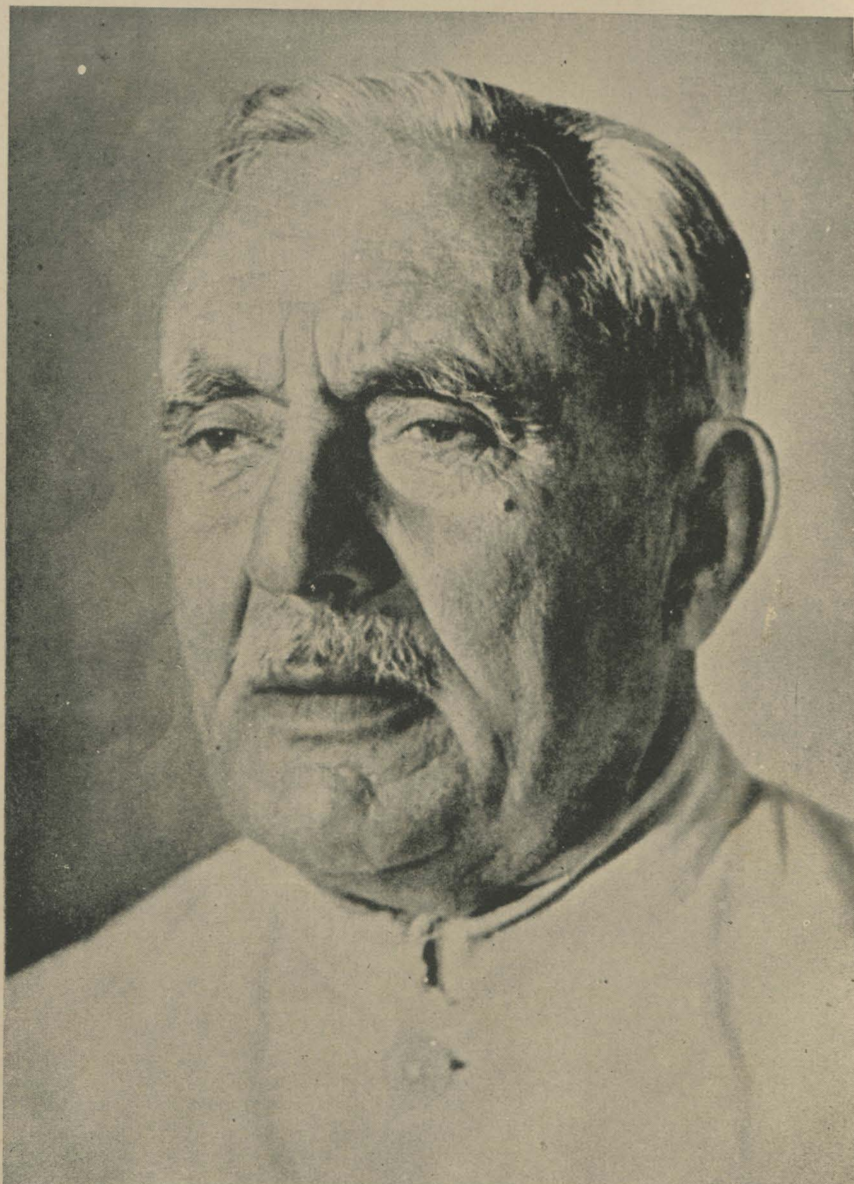
"Hindus would cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense, as citizens of Pakistan."

(11 August 1947)

A NATION IS BORN

By
Makhdumzada
SYED HASSAN MAHMUD

THE FOUNDER OF THE PAKISTAN REPUBLICAN PARTY



"Free and fair General Elections"

TO

THE REVERED MEMORY

OF

MY LEADER, FRIEND AND GUIDE

Dr. ABDUSSATTAR KHAN SAHIB

The Martyr-Founder of the

PAKISTAN REPUBLICAN PARTY

Who

LIVED & DIED FOR HIS NATION

First Edition........November, 1958

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INTRODUCTION

It was *Le Bon*, who in the nineties of the last century visualised that very soon political power was to pass on to the hands of the Common People, in the form of "Crowds" everywhere in the world. His prophecy has come true to the extent that very few Royal Dynasties, Aristocracies, or even Oligarchies survive today. But *Le Bon* as a psychologist also pointed out the unbelievable credulity of the mass-mind. He, for the first time, made it plain beyond doubt that a collectivity, is simply incapable of reasoning, as such. It is only the individual who is rational. The Group is always hypnotic, or even hysteric, to the extent that it is a group.

This was not meant as a condemnation of the crowds, by any means. The crowds have also a function to perform in Society, as well as in the evolution of Humanity. It is only a question of division of functions. Intellect operates for the thinking of the individuals. Imagination and feeling, work in a crowd, or a collectivity, for the execution of the design evolved by the intellectual processes.

Although the characteristics of the crowd-mentality were not pointed out as a condemnation, yet they do involve dangers of their own, especially in the Age of Democracy. Illusions, and even delusions, might grow into "beliefs" or "convictions." It is a fatal day for a people or a civilisation when they degenerate into crowd activity to the extent, that individual rationality is wholly eliminated. That is why all mature democracies recognise the value of the

"Individual Freedom", no less than the necessity of the National Liberty.

We in Pakistan have only achieved our National Independence a few years back. No doubt, we have the traditions of a glorious religion and morality, to give life and vitality to our collective imaginations as well as emotions. But we also suffer from certain draw-backs which have marred our national character, since the days of slavery. The extension of the principle of infallibility from religious doctrines to personal interpretations of the same; the tendency of the virtuous and righteous sentiments to degenerate into blindness towards their own imperfections, and to inflammate into contemptuous annihilation of everything beyond their narrow limits; the inability to differentiate between the freshness and the variety of transient situations, and the monotony involved in eternity; sometime reduce our efforts at the sublime, into ridiculous caricatures.

Our political organisations too, have not escaped the pontifical posture developed by shallow knowledge and selfish pride. Our national affairs have primarily suffered from the lack of humility of approach, from the very day of Partition. Whenever there was a national calamity, we could only think of either the preposterous behaviour of our adversaries, or our own faultless record, or "nothing better can now be done".

If our internal and external troubles are ever to terminate, we must mend our ways. Problems in life have to be studied, considered, analysed,and even then the conclusions

arrived at are always tentative—even if they are taken in the name of principles that are universally admitted.

A look at the proceedings of our Provincial and Central Legislatures during the last 10 years, reveals a sad barrenness of any profound deliberation, such as is found in the Parliaments of other nations. The mood has predominantly been that of oratory—fascinating verbose pictures and high passions, sometime of elation, at others of denunciation. Never have we soberly, patiently, and laboriously examined our problems and plans to find their solution.

I do not want to fall a victim to the infection of self-complacency in an attempt to go very deep or far, but here is an attempt in setting an example, towards accomplishing which I have taken some pains according to my capacity. I am very conscious of the limitations, but my hopes are sustained by the expectation that, it might stimulate those who are better talented and better qualified to improve upon me.

THE AUTHOR

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CHAPTER I

Background

The train was moving slowly towards its destination. The 'Land of the Lotus', as the Qaid-i-Azam once named Bengal, has a luxuriant tropical landscape, a fine *admixture* of lush green foliage and vast rippling sheets of water. Gradually, as the sun went down, the view in the pale light became particularly enchanting. I began to ruminate over all the scenes that I had seen during the day. In some respects, those impressions were now clearer, and I could arrange them into regular patterns. During the major part of the day my thoughts had been stray and rambling.

Over and over again my thoughts went back to the partition of Bengal by Lord Curzon in 1905, and its subsequent reunion in 1911, after violent agitation by the Hindus. What a tremendous and far-reaching impact was made on the course of political history in this Sub-continent by that event and its repercussions!

From the partition of Bengal my ideas travelled to the partition of India, ten years ago. I thought of the Qaid-i-Azam who, more than any other single individual, was responsible for the achievement of our Homeland. As soon as Pakistan was established he advised building the new-born State on the principle of the equality of citizenship, irrespective of communal, sectarian, provincial, or parochial prejudices—so that in the course of time Hindus and Muslims should forget their petty political feuds, and take pride in being Pakistanis first and last.

In the midst of these reminiscences of the past, I was several times brought back to the immediate physical environment. The twilight having ended, it was growing darker outside. The shadows around were not unlike the uncertainty that sometimes seems to persist over the political horizon of my country. Still obscure are the effects and advantages of representative democracy, for which the people have anxiously and impatiently been waiting since the passing of the Constitution in 1956, and the hope of early general elections still eludes them.

After ten years this suspense and delay was becoming intolerable. When Pakistan came into being, the Muslim League was the only political party worth the name in existence. It therefore arrogated to itself all political power and immediately constituted itself into the Central and Provincial Governments. The choice of the common man was taken for granted. Unfortunately, the Muslim League had never been a coherent political organization. It had actually been a united front of diverse elements, representing different interests and holding different views, which were united only in one thing—the demand for Pakistan. After the achievement of Pakistan this strong link lost its efficacy, and in two or three years the organization began losing its hold and prestige, and became transformed into a motley collection of individuals, who having got possession of the empty political stage, strove hard to remain in possession thereof.

They could only retain power by negating the pre-conditions of democracy, by denying freedom and choice to the common man. They were in no serious haste to frame the country's Constitution and to hold the general elections. In some provinces political activity and association was curtailed so much that it involved the victimization of political opponents. This stagnation of the political life of the country led to the rise of factions and intrigues within the Muslim League, and the intensification of bickering and antagonism amongst its members. There was growing deterioration in the administration. Public life became centred more on personal interest than on any moral idealism.

Despite political discomfiture, the Muslim League leaders refused to learn anything from experience. They stuck to their obsession that any political party which dared to differ with them was a traitor to Pakistan. For the attainment of Pakistan, the Mussalmans had needed a single representative political party to fight their battles against British imperialism and Caste Hindu domination. But now the problem was to run parliamentary democracy in the country successfully. This could not be done unless other political parties were allowed to grow.

In 1954, at the first chance to assert popular will, East Pakistan by the combination of diverse political elements, had ousted the Muslim League from power. In West Pakistan when the situation became wholly intolerable, the Pakistan Republican Party was established at Lahore in April, 1956, after the inauguration of the new Constitution of Pakistan. The first aim of the new party was the early holding of general elections.

In their anxiety to expedite the first general elections, the Republican Party formed a coalition at the centre in September 1957 with a Muslim Leaguer as the Prime Minister. But the Muslim League caucus did not abandon their tactics towards their partners in the coalition.

The Muslim Leaguers started a subtle campaign, insinuating that the Republican Party was very soon going to merge with the Muslim League. Although occasional denials and contradictions were issued by a few prominent Leaguers, the rank and file started a jubilant chorus of expectation that the Muslim League would also share power in West Pakistan before the next Budget Session, by entering into a provincial coalition on the lines of the central coalition.

The Muslim League also re-opened the issue of separate representation in a manner calculated to force the hands of the Republicans, through creating an atmosphere of hustle and urgency. November 28, 1957, was announced as the date when the Separate Electorates Bill would be introduced in Parliament. Even in anticipation of this Electoral Amedment Bill, premature instructions were issued to the Election Commission to scuttle all the good work that had been done in the preparation of the Electoral Rolls, and instead to register voters' names by religious communities. The Muslim League Electoral Amendment Bill was so drafted that, if enacted, it would have postponed the general elections beyond any foreseeable date.

The culmination of these tactics was the Muslim League's demonstration in Karachi, on the opening day of Parliament, in favour of separate electorates. This was an ugly episode, ultimately condemned by all speakers in Parliament, including the sponsors of the demonstration.

The Republican Central Organizing Committee which had met earlier at Lahore from 17 to 19 November, took notice of these undersirable tendencies among the Muslim League partners of the coalition. It resolved that the formation of the coalition was raising issues of fundamental importance and significance. Therefore, these issues had further to be investigated, and if need be, reported to the supreme convention of the Republican Party.

For this purpose a fact-finding Committee was appointed, consisting of Syed Abid Hussain (Convenor), Malik Faiz Hussain, Chaudhri

Abdus Salam, Haji Maula Bakhsh Soomro, Col. Amir Mohammad Khan of Hoti, Mr. Nabi Bakhsh Zahiri, Mr. A. M. Qureshi, Syed Fida Hassan Safavi, Mr. Hadi Ali Shah and myself. There were also two lady members, but they were later dropped.

Six members of the Fact-Finding Committee reached Dacca on December 2 by air from Lahore. Two members arrived by air the next morning. The Committee concluded its tour of East Pakistan by December 8. During its week's stay in East Pakistan, it visited eight districts, namely, Rajshahi, Sylhet, Chittagong, Comilla, Jessore, Khulna, Mymensingh, and Barisal, covering about 1700 miles by land, water, and air.

In all, the Committee received about 60 deputations. In addition, it recorded the views of a number of prominent individuals on the electorate issue. Almost all the political parties and various organizations of East Pakistan were represented in these deputations. The Committee received 2700 telegrams and 500 postcards from District Boards, Municipalities, Bar Associations, Trade Unions, and other popular organizations of East Pakistan, on the electorate issue. Thirty-two memoranda, covering roughly 300 typed pages, were presented. The members of the Committee attended and addressed about 16 public meetings in the province. On December 8, we also received a deputation of more than 50 ladies at Dacca, representing among others, the Awami League Women Committee, the Youth League Women sub-Committee, and the All Pakistan Women's Association.

When we arrived at Dacca by PIA from Karachi on December 2, we were given a rousing reception at the airport. Prominent among those who received us were Central Ministers: Abdul Alim and Lutfur Rehman Khan, Provincial Ministers: Kafilud Din Chaudhri and Mansur Ali, the Awami League Joint Secretary Sh. Mujibur Rehman, Member of Parliament Yusuf Ali Chaudhri, and the Leader of the Opposition in the East Pakistan Provincial Assembly, Syed Aziz-ul-Haq.

Approached by newsmen at the airport we assured them that we had come to East Pakistan with an open mind. We also appealed for public co-operation and assistance for the accomplishment of our task. We promised that every member of the Committee would endeavour carefully to assess the views of the people on this important issue. Answering questions on the method we would employ to ascertain the opinion of the

people, we said that the members would split themselves into small groups and go to the districts, and in some cases even to villages, to get first-hand information about the reactions of the people of East Pakistan on the electorate issue. The Committee would meet people of all shades of opinion, from politicians to peasants; and would welcome written representations from individuals, institutions, and organizations.

The local authorities of Dacca, fearing a clash among the followers of different view-points regarding the electorate issue, had imposed Section 144 in the airport area and on the Mymensingh Road, where the Shahbagh Hotel is situated. The supporters of separate electorates had, however, collected across the road, about 50 yards away from the entrance to the Hotel, in front of the Dacca Club. They were carrying huge banners and placards, and raised slogans of "Separate Electorates *chahie*" as our cars approached the Hotel.

Some of us went across to the demonstrators, and explained the object of our mission, and appealed to them to maintain peace. Back in the Hotel, we found its spacious lounge crowded with public leaders, political groups, and prominent individuals. The Committee that day must have interviewed some two hundred persons. Prominent among those whom the Committee interviewed till late in the night were Mr. Zahir-du-Din, former Central Minister; Mr. Nurul Amin, former Chief Minister; Mr. Yusuf Ali Chaudhri, M.P.; Syed Azizul Haq, Leader of the Opposition in the East Pakistan Assembly and Begum Anwara Khatoon, MPA. The parties represented by the interviewers included the Awami League, the Muslim League, the Krishak Sramik Party led by Syed Azizul Haq, the Pakistan K. S. P. led by Mr. Hamidul Haq Chaudhri, the Nizam-i-Islam, the Scheduled Caste Federation, and the Khilafat-i-Rabbani Party.

A group of students also met us and expressed their views on the electorate issue.

Later in the afternoon four members of the Republican Fact-Finding Committee attended a meeting organized by the Awami League in the Paltan Maidan of Dacca. They were Chaudhri Abdus Salam, Mr. A. M. Qureshi, Col. Amir Muhammad Khan of Hoti, and myself. The crowds in this meeting were enthusiastically shouting "Joint Electorate Zindabad". After the meeting a procession was taken out from the Paltan Maidan which paraded the Ramna area, carrying posters and placards in support of joint electorate and shouting slogans to the same effect.

On the following morning when the remaining members of the Fact-Finding Committee had also arrived, the Committee held a meeting under the Presidentship of Col. Abid Hussain and decided to split into three groups, and visit different parts of the Province. We also decided to request the Chairmen of the District Boards, Municipalities, Presidents of Registered Chambers of Commerce and Industries, and prominent Labour Unions to communicate their views on the electorate issue.

Accordingly, one group consisting of Syed Abid Hussain, Col. Amir Muhammad Khan of Hoti, and Malik Faiz Hussain visited Chittagong, Comilla, Sylhet, and Rajshahi from December 3 to 7, 1957.

This group reached Chittagong on December 4, where it was enthusiastically received at the railway station by processions organized separately by the Awami League and the Muslim League. Steel-helmeted policemen had been posted on all strategic points to maintain law and order in the city. At the Circuit House, Syed Abid Hussain and his colleagues interviewed local leaders belonging to different parties. Prominent among those who met the group in Chittagong were Mr. Amir Hussain Debush, President, City Muslim League, Mr. Sultan Ahmad, Secretary, Muslim League, Mr. Abdul Hamid of the Krishak Party, the Secretary of the District Sramik Party Mr. Abdul Azim, the Secretary of the City K. S. Party Mr. Khurshid Alam, Maulana Nadvi, Prof. Sultanullah Alam, and Maulana Akhtar Jamal of the Nizam-i-Islam Party. Mr. Pruendu Dastagir, MPA and Mr. Bimuldutta also met the group separately.

In the evening, representatives of the Khilafat-i-Rabbani Party, the Jamait-i-Islami and the Ganatantri Dal and a batch of students also called. The same evening, the Awami League and the Muslim League simultaneously organized two public meetings.

This group travelled by train from Chittagang to Comilla, its next place of halt. Here too it was greeted by a big crowd at the station and slogans in favour of joint and separate electorates were being raised. The group interviewed local leaders of different parties, lawyers, merchants, and businessmen, in order to ascertain public opinion on the electorate issue. Prominent among those interviewed by the group were leaders of the Muslim League, Mr. Azizur Rehman, Secretary, District Muslim League, Mr. Sajidul Haq, Organizing Secretary, Sub-Divisional Muslim

League, Mr. Burhan-ud-Din, Mr. Abdus Salam, President, Chandpur Sub-Division Muslim League, Mr. Salah-ud-Din, Secretary, District Jamait-i-Islami, Maulana Ruknud Din, Vice President of Dacca Krishak Sramik Party, Mr. Abdul Mannan, Member of the District Bar Association, Mr. Abdul Ghaffar Bhuyan, member of the District Bar Association. The representatives of the District Washermen's Association, the Comilla Medical Association, and the Colleges of Comilla, Chandpur and Brahman-Baria also met the group.

The supporters of separate electorates staged a demonstration in front of the Circuit House, where members of the Committee were staying. The supporters of joint electorate also demonstrated before the Circuit House and paraded the main streets of the city.

In the afternoon when the time for the public meetings was approaching, the District authorities, apprehending a breach of peace, promulgated Section 144 in the Comilla Town Hall premises, where the meetings of the Muslim League and the Awami League were supposed to be held at the same time.

After the promulgation of Section 144, a large crowd of people demonstrated before the Circuit House. One crowd shouted in favour of separate electorates. Another crowd consisting mainly of students demonstrated in support of joint electorate.

The group visited Sylhet on December 6. On its way to Sylhet, large crowds gathered at the wayside Stations. Supporters of joint and separate electorates raised slogans in support of their demands. At the Sylhet Railway Station the group was received by the supporters of separate electorates and joint electorates separately; and there were two big crowds, each raising its own slogans. Local leaders of various parties, that is, Awami League, Muslim League, National Awami Party and Nizam-i-Islam, were present at the Railway Station.

Among those who had interviews were Mr. Mohibus Samad, M.P., Vice President, Awami League; Mr. Noorur Rahman, former Minister of State; Mr. Jasimud Din, President, District Awami League; Mr. Habibur Rahman, M.P. of the National Awami Party; Mr. Shaheed Ali, Secretary, District Muslim League; Mr. Abdus Salam, President, Sub-Divisional

Muslim League; Mr. A. C. Masud, President, City Muslim League; Mr. Kritish Bhattacharya, Secretary, District National Congress; and Mr. Hamanghsu Bhattacharia, Secretary, North Sylhet Congress.

A memorandum was submitted by the representatives of the Sylhet Bar Association supporting separate electorates. The members went to the villages on the outskirts of Sylhet town to meet the peasants and to ascertain their views. Syed Abid Hussain addressed a gathering waiting on the other side of the bridge on Karimganj Road, which did not fall under Section 144.

The second group consisting of Haji Maula Bakhsh Soomro and Mr. Nabi Bakhsh visited Barisal and Khulna on December 5 and 6. This group likewise met leaders of various political parties and heard their views on the electorate issue. Demonstrations and public meetings had been banned in the Town due to the steamer strike. Therefore followers of the Muslim League, Krishak Sramik Party, Nizam-i-Islam Party, Jamait-i-Islami, students of local Colleges, Schools and Madrissas received the members of the group at Barisal with badges inscribed "Separate Electorates Zindabad" and "Joint Electorate Zindabad". The group was profusely garlanded by different political parties. During their short stay at Barisal they interviewed local leaders and ascertained the wishes of the people of the area on the electorate issue. They left for Khulna in the morning. During their journey from Barisal to Khulna a group of people at Nalchiti (Barisal) raised slogans demanding reintroduction of separate electorates. On their arrival at the steamer ghat at Khulna they were received by a large number of people representing supporters of both seperate electorates and the joint electorates. Two big processions carrying placards were taken out in the town. Later two separate public meetings, one by the supporters of seperate electorates and the other by the supporters of joint electorates, were held at two different places. These meetings were attended by the members of the Fact-Finding Committee.

The third group consisting of Mr. A. M. Qureshi, Mr. Fida Hussain Safavi, and myself accompanied by the former Central Commerce Minister, Mr. Abdul Mansur Ahmad, proceeded to Mymensingh. A large crowd greeted us at the Mymensingh Railway Station. At the wayside stations between Dacca and Mymensingh, groups of people raised slogans in favour of separate electorates and joint electorates.

The supporters of separate electorates had put loudspeakers in the compartment of the train. Thousands of people standing on both sides of the road leading from the Railway Station at Mymensingh to the Circuit House were waving placards, reading "We want joint electorate", "We want separate electorates". Later, the demonstrations gathered in front of the Circuit House and continued raising slogans and counter-slogans for a long time.

We passed a busy time in Mymensingh, headquarters of the largest district in the Province. The Circuit House where we were staying became the centre of great political activity for a while. We met numerous deputations and many individuals. We went to the pedestrians, the rickshaw and taxi drivers, and we talked with people of various outlooks and positions in life. We also attended two public meetings organised by the supporters of joint and separate electorates.

Here, at Dacca, and indeed everywhere in East Pakistan, it was the same story—anxiously waiting huge gatherings, mile-long processions, and people of opposite convictions, dinning their view-points into our ears at the top of their voices in an atmosphere surcharged with tension. In some cases, the rival crowds stood demonstrating with hardly ten feet of no man's land separating them.

I felt that travelling into every nook and corner of the vast province of East Pakistan to ascertain and assess public opinion about the electorate issue, would not help much. I therefore cancelled my visit to Rangpur and stayed at my room in the Shahbagh Hotel of Dacca to concentrate and find out, if possible, what was at the root of all this slogan raising.

The impression of all-pervading gloom which I gained during the train journey back to Dacca still haunts me. I must analyse the situation and the data, and take into consideration all the factors involved in it, before I give my verdict.

A thought that came into my mind time and again was: why had the Republican Party been suddenly 'promoted even in the estimate of those who, a short while ago, did not like us'?

Perhaps it was because the issue of electorate had assumed such importance and significance that the existence or disappearance of almost every political party of the country depended on it. The power of decision, one way or the other, lay with the Republican Party. That was why every political party was keen to win the members of the Fact-Finding Committee to their side.

Throughout the crowded engagements of our tour in East Pakistan, I repeatedly felt that the general public, although endowed with the deepest patriotism and sincerity of purpose, hardly knew the actual facts of the intricate implications of this issue. It is the caucus behind political parties, and their power of mobilization that regiments and parades the unwary common man into various gatherings and makes him shout slogans, and raise hands in favour of or against, an issue which he hardly grasps.

To be honest to myself, I ask, am I better informed than the common man, about the merits of the problem of joint or separate electorates?

What follows in the pages of this book originated as my attempt to answer this question to myself. I am now recording the gradual evolution of my thoughts and conclusions, so that I may share the fruits of my labour with my readers.

CHAPTER II

A Survey

Every problem has its roots in the situation from which it arises. The problem of joint or separate electorates is no exception. It arises from the context that in Pakistan the number of Hindu inhabitants is fairly large, in a population overwhelmingly Muslim. The distribution of Muslim and Hindu populations in the two Provinces of the country is very uneven. In East Pakistan, where the greater part of the Hindu citizens reside, Hindus are spread in such a manner that they do not form a majority in any considerable contiguous area. These factors have implications for the electorate issue.

When, before extending my support to joint or separate franchise, I made up my mind to undertake an objective and impartial study of the electorate problem, I decided to start with the figures of population and its distribution in the two provinces of Pakistan which are separated from each other by a distance of more than 1000 miles.

According to the 1951 census, the total population of the country is 7,56,36,000. Out of this 6,49,59,000 are Muslims, 43,49,000 Caste Hindus, 54,21,000 Scheduled Castes, 5,41,000 Christians, and 3,66,000 belong to other religious communities.

In West Pakistan, the total population is 3,37,04,000. Out of this 3,27,32,000 are Muslims, 1,62,000 Caste Hindus, 3,69,000 Scheduled Castes, 4,34,000 Christians, and 7,000 belong to other religious communities.

The total population of East Bengal is 4,19,32,000. Of this 3,22,27,000 are Muslims, 41,87,000 are Caste Hindus, 50,52,000 are Scheduled Castes, 1,07,000 are Christians, and 3,59,000 belong to other communities.

It is evident that out of a total non-Muslim population of 1,06,77,000, about 97,05,000 live in East Pakistan. Only 9,72,000 are in West

Pakistan. While out of a total Caste Hindu population of 43,49,000; 41,87,000 reside in East Pakistan.

Looked at from a different angle, the 1951 census figures indicate the following percentages of communal population :

Area		*Muslim*	*Caste Hindu*	*Scheduled Caste*	*Christian*	*Others*
Pakistan	..	85·9	5·7	7·2	0·7	0·5
West Pakistan	..	97·1	0·5	1·1	1·3	..
East Pakistan	..	76·8	10	12	0·3	0·9

In order to grasp the exact significance of the above figures, they have to be compared with the statistics collected by the last census before Partition in 1941. According to those statistics, in United Bengal Muslims were 54 per cent, Hindus were 42 per cent and others 4 per cent. Total population was 60.3 millions. The distribution of communities in East Bengal at the time was :

Muslims	..	..	71.9
Hindus ..	..	..	26.2
Others ..	..	..	1.9

In East Pakistan the population of minorities was reduced after the establishment of Pakistan, because of the migration of minorities to India. This migration was the result of the exodus consequent upon Partition, communal riots, agrarian reforms (1950) in East Pakistan which resulted in the dispossession of some Hindu zamindars, and the lure offered by India to jute cultivators from East Pakistan.

As far as I could investigate through private contacts with reliable authorities, 1,20,00,000 Hindus had been left in East Pakistan at the time of Partition. Pandit Jawahar Lal Nehru, the Prime Minister of India, once claimed in the Lok Sabha that about 40,00,000 Hindus had migrated to India during 1947—51. This was not confirmed by our Government, but the 1951 census showed that the Hindu population in East Pakistan had come down to 92,39,000 as the Christian (1,07,000) and others (3,59,000)population totalled 4,66,000. I could not lay my hands on the record for the period 1952-53 but it is reliably learnt

that about 20,00,000 non-Muslims migrated during this period. For the period 1953—57, the figures of the Check Posts on the Indo-Pak frontiers showed that 9,00,000 non-Muslims further migrated from Pakistan, besides migration from points other than the Check Posts.

Now the migration of non-Muslims to India has stopped after India's refusal to issue certificates to prospective migrants. At present, leaving aside the Budhists and the Christians, there are 30,00,000 to 35,00,000 Scheduled Castes, and 12,00,000 to 16,00,000 Caste Hindus left in East Pakistan, the total remaining at 46 or 47 lakhs.

As observed earlier, the number of Hindus in West Pakistan is so insignificant that it does not affect the merits of the electorate issue either way. However, the number of a minority by itself does not give clue to the requirements and implications of its representation in the parliamentary institutions of the State. It is the economic, educational and political activities of a community which determine its representation and political influence. These are the same factors which explain, justify, or contradict the fears, suspicions, and doubts of other communities among whom it resides.

Let us begin our study of the economic influence of the minorities by considering it from the point of view of Agriculture, Industry, and Commerce—

1. **Agriculture**

It is well-known that before the establishment of Pakistan, the Hindu zamindars dominated East Pakistan. It was the influence of the Caste Hindu feudal lords that annulled the 1905 partition of Bengal in 1911. In 1950, the East Bengal State Acquisition and Tenancy Act was passed. Under this enactment 90 per cent Hindu zamindaris have now been eliminated. Up-to-date, 207 big zamindaris of value above Rs. 50,000 have been acquired by the Government. Out of these 182 were owned by Hindus, 21 by Muslims, and the proprietors of 4 were either Europeans or Joint Stock Companies.

Besides, the Government has taken over a large number of smaller rent-receiving interests, mostly belonging to non-Muslims. There was a large number of intermediaries. In the District of Bakarganj which was

notorious for infeudations, there were as many as 30 to 40 intermediaries between the tenants and the zamindars. The total number of these rent-receiving interests (including the intermediaries) is roughly estimated as 30 lakhs for the whole of the Province. In the District of Bakarganj the number of persons entitled to compensation for losing their rent interest under the Act is a little less than six lakhs.

The abolition of Hindu zamindaris is not only significant for the consequent revolution in the agrarian economy, but also because of its parallel implications for the economic, social, and political status of the Hindu citizens. In an agrarian country like Pakistan, the whole structure of rural life revolves round the personality of the landlord of the area, for better or worse. When Hindu zamindars owned large areas of cultivated land, Muslims were reduced to the status of landless tenants, who had to compete among themselves to win a tenure from the Hindu landlord. Even smaller Muslim land-owners, though not directly subordinate to the Hindu zamindar, developed an inferiority complex. In the same way the Hindu commercial classes, because of their cultural identity with the Hindu zamindar, gained economic and consequent political domination. The advantage of their position, in time developed in them qualities of intellect and leadership. The Muslims in East Pakistan are now regaining their natural stature in the agrarian economy of the Province, following the readjustments in the zamindaris and other land reforms.

One of the most prominent and lucrative branches of agriculture is tea plantation. In pre-partition days this was wholly in the hands of Europeans. Even now 70 per cent of these plantations are owned by Europeans. Thirty per cent belong to Muslims, and none to Hindus.

Thus, as far as agriculture is concerned, one can safely conclude that in the past there was a time when there was a real danger of Muslims being reduced to a very inferior position. But already this danger has vanished.

The process of the reinstatement of Muslims extends to all spheres of economy, industrial as well as non-industrial.

2. Industry

Next to be considered under the economic role of minorities is industry. The most important industry in East Pakistan is the jute industry,

which is one of the main foreign-exchange earning crops of the country. The total number of jute looms owned by all the mills in East Pakistan is 7,250. Out of this only 750 looms belong to Hindus. The rest are in mills whose proprietors are Muslims. The Hindus at one time did dominate the Jute industry, but now the position has definitely changed.

3. Commerce

(*a*) *The Jute Trade*: As regards the Jute trade, the position is that in the Export and Pucca Bailing trade 60 per cent of the business is in the hands of the Marwaris, who are Indian nationals, 20 per cent in the hands of the Europeans, and 20 per cent in the hands of the Pakistanis. Out of the Pakistani share of 20 per cent, about 90 per cent is monopolised by (1) Ispahani Ltd., (2) Amins, and (3) Dadas and Adamjees (R. Sim & Ltd.). As for internal trading, from the Kutcha Bailing onward, about 50 per cent is in the hands of the Marwaris; and out of the other 50 per cent the local people, both Hindus and Muslims, have approximately 25 per cent. In regard to the Farias and Beoparis who act on their own and not as the agents of the big firms, at least 80 per cent are local Pakistanis.

Marwaris are concentrated at Narayanganj, and also in Mymensingh district and the districts of Rangpur, Dinajpur, Bogra, Pabna and Khulna, specially Daulatpur. It is also very pertinent to point out that the Pakistani Hindus are not generally much interested in the jute business; and even now, except for working as clerks, accountants and darwans, they have little or no share in the jute business. Only a few of them work as Beopari and Faria, like the small Muslim Beoparis.

(*b*) *The Grain Trade*: The staple foodgrain in Bengal is rice. The Bengal Famine (1943) Commission Report estimated that wheat constituted only 4 per cent of the total. The principal Rice harvest is "Aman", sown in May and reaped in December. The second important rice harvest is "Aus", sown in April and reaped in August. The third and least significant harvest is "Boro", sown in November and reaped in March. Of all these, it is the Aman crop on which the supply of the Province mainly depends for the whole year.

Cultivation in Bengal has been predominantly a small producer's affair. Therefore, the actual surplus of the individual producers which

ultimately feeds the provincial market is very limited in quantity. It is the grain traders, who collect the small surpluses from each production area, first carry them to the district markets, and finally supply the provincial markets. The grain trader also provides the urgent credit and cash requirements of the producer, who is at the end of his resources before every harvest. As already stated, the grain trader also controls the agricultural market, and therefore occupies a very important position in the economic life of East Pakistan. Before independence 80 per cent of the grain trade was in the hands of the Hindus. But now about 60 per cent is in the hands of the Muslims.

(*c*) *The Hide and Skin Trade*: The Hide and Skin trade is also an important source of earning foreign exchange. This trade is entirely in the hands of Muslims.

Education

When the British conquered Bengal from the Muslims, the whole area was covered by oriental schools and universities. Large private and public endowments were attached to each institution. But with the British conquest the whole structure of the Muslim educational system was destroyed. The British also looked with suspicion upon Muslims, as the erstwhile masters of the land. Thus, despite the fact that in pre-partition Bengal the Muslims and Hindus were almost equal in numerical strength, (or rather, the Muslims were even then in an overall majority), the Hindus dominated all spheres of educational and intellectual endeavour. The Muslim educational influence was predominant only in *Madrassahs*.

There are now 1313 High Schools for boys, 68 High Schools for Girls, and 79 Colleges in East Pakistan. Besides there are a number of Middle Schools and *Madrassahs* everywhere. Today the position is as follows:

The teaching as well as the non-teaching staff of the Primary Schools consists of 25,592 Muslims, 11,405 Caste Hindus, 4,171 Schedule Castes and 809 others. In the teaching as well as non-teaching staff of the Middle Schools there are 4,802 Muslims, 1,779 Caste Hindus, 529 Schedule Castes, and 75 others.

In the teaching staff of the 79 Colleges there are 1,055 Muslims and 204 Caste Hindus, while in the non-teaching staff there are 633 Muslims and 141 Caste Hindus.

In Dacca University on the teaching staff there are 149 Muslims, 12 Caste Hindus, 2 Schedule Castes, and 3 others. In the Administrative staffthere are 225 Muslims. 21 Caste Hindus, 5 Schedule Castes, and 2 others. On the Grade IV staff there are 244 Muslims, no Caste Hindu, 104 Schedule Castes, and no others.

Press

Before Partition the whole of Bengal was dominated by the Hindu dailies of Calcutta. Coupled with the influence of the Hindu feudal landlord and the educational as well as the intellectual domination of the Caste Hindus, this made a formidable combination.

Since Partition, the Calcutta dailies have considerably lost their previous circulation in East Bengal, and they are no longer an important influence. Today there are 343 periodicals, journals and newspapers registered with the East Pakistan Government. During 1957, 53 newcomers joined their ranks. The great majority of these papers are onwed and edited by Muslims.

Summary

This survey shows that the issue of joint or separate electorates is limited by physical facts to East Pakistan. Further, in East Pakistan the danger of domination by Caste Hindus in the economic, educational, and journalistic sectors is primarily a nightmare of the past. A more judicious relationship among the various inhabitants is now developing and the Mussalmans are gaining their due and rightful share in the affairs of their province.

However, statistics are not everything. Political, ideological, practical, and even historical considerations have to be fully grasped before deciding for or against either system of electorate.

CHAPTER III

Political Parties, Politicians and Principles

Political parties are founded on the basis of peculiar political principles. But it has also to be conceded that political principles, too, are derived from the working of political organisations. Therefore it will not be out of place if, before taking up consideration of the merits and demerits of the separate or joint systems of electorates, a study is made of the development of the main political parties in Pakistan.

Before the establishment of Pakistan, there were two principal political parties in India, corresponding to the two major communities inhabiting the sub-Continent. The Indian National Congress, founded in 1885, had since 1925 become the mouthpiece par excellence of the Caste Hindus under the influence of Mr. C. R. Dass, Lala Lajpat Rai, Pandit Moti Lal Nehru, and Mr. Gandhi. The All-India Muslim League, which was founded in 1906 through the efforts of Nawab Salimullah of Dacca, Nawab Mohsinul Mulk and His Highness the Agha Khan, by 1937 had gradually turned into "the sole representative organisation of Indian Mussalmans" under the leadership of the Father of the Pakistani Nation, Qaid-i-Azam Mohammad Ali Jinnah.

Pakistan was the only objective on the programme of the All-India Muslim League. As a political party, it was never a homogeneous whole. Yet the demand for a separate Muslim Homeland in the sub-Continent was so opportune, the leadership of the Qaid-i-Azam was so outstanding, that by the time of the general elections of 1946, the All-India Muslim League had already acquired the complete confidence of an overwhelming proportion of the 10 crore Indian Mussalmans.

In 1947 Pakistan was established. The partition of India also led to the bifurcation of the All-India Muslim League. The Pakistani section of the All India Muslim League Council met soon after independence and adopted a new constitution with fresh aims and objects. But the effort to re-organise the party did not meet with any singular success. On the other hand, difficulties cropped up everywhere, as rival personal groups started asserting themselves to gain control of the organisation.

Those who protested against internal intrigue or criticised the Muslim League were dubbed traitors. In these circumstances many honest and selfless workers lost interest in the party. Some tried to set up rival organisations.

The Manki-Qayyum tussle in the former N.W.F.P., the Mamdot-Daultana feud in the former Punjab, and the Khurro-Elahi Bakhsh skirmishes in the former Sind, were typical examples of this period of personal trials of strength within the Muslim League. In these quarrels of the League stalwarts, the Services also got involved on one side or the other. This was bound to result in the deterioration of the standards of Administration. When the Indian Mussalmans were struggling with British imperialism and the Caste Hindu Indian National organisation, it was a vital necessity for them to have one leader, one platform, one flag, and one political organisation. It was a question of life and death for them. They could not survive without such organisational unity. In that context treachery to the All-India Muslim League could justifiably be interpreted as treason to the Nation. But after the Muslim League itself had been bifurcated immediately on partition, and reorientation of policy was necessary to its survival, it was a great mistake to claim absolute infallibility for itself. For an organisation beset with internal intrigue, it was positively harmful to insist that it must still command the absolute powers granted to it temporarily in a time of national crisis.

It is fashionable with the leaders of the Muslim League even today that whenever their attention is drawn to the relative value and transitory nature of political manifestoes, whenever they are invited to concede that in a democratic parliamentary State the only sanctity, if any, attaching to a political party is in its pragmatic utility to the people, they immediately turn red and blue. They condemn such a democratic attitude as "secularism". They threaten with theological wrath. They claim to be the sole exponents of "the fundamental ideology of Pakistan".

Let us study in some concrete examples as to where this attempt at running the state on obscure prejudices, shallow slogans, and agitational frenzy, precticaliy leads to.

After partition, Nawab Iftikhar Hussain Khan of Mámdot (who was the President of the Punjab Muslim League), on account of his personal sacrifices and family services to the Pakistan Movement, was the senior-

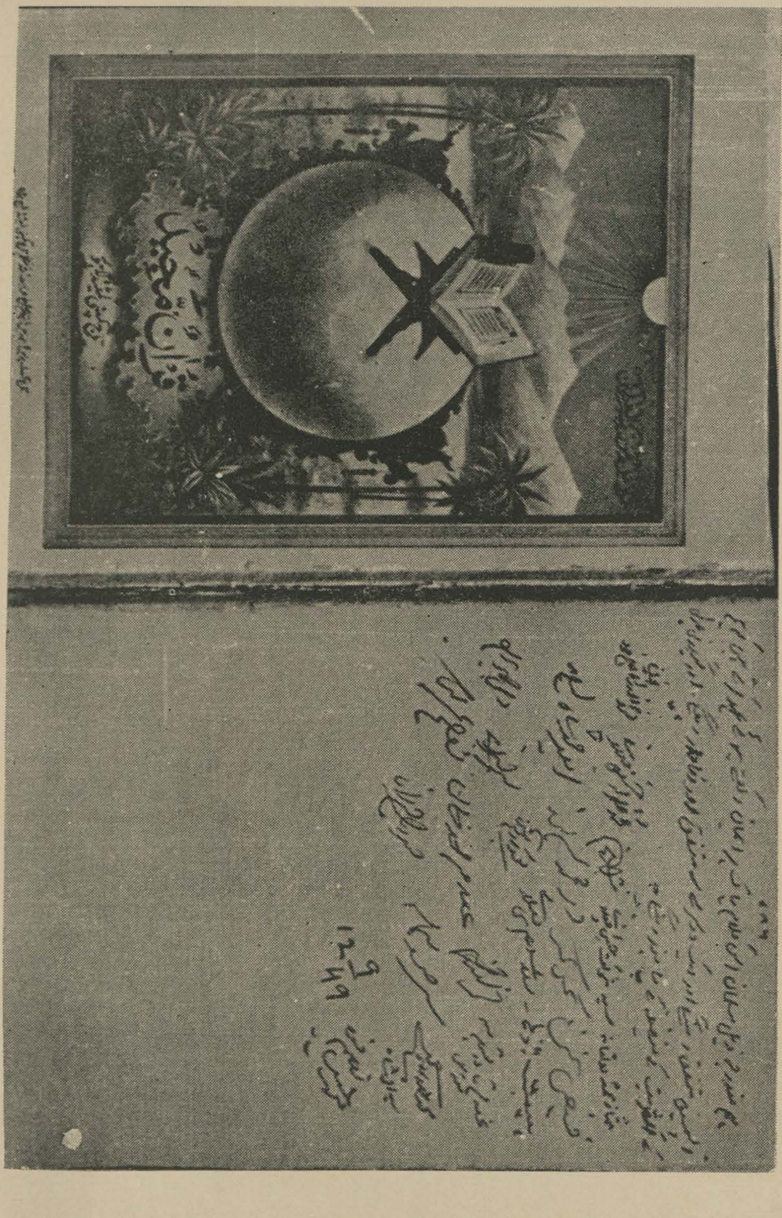
most Muslim League leader in West Punjab. In the natural course of events, he became the first Chief Minister of West Punjab, on the eve of Partition. One of his most talented lieutenants was Mian Mumtaz Muhammad Khan Daultana, but soon Mr. Daultana started taking advantage of the Khan of Mamdot's confidence in him, to undermine his influence and reputation. He wanted the Muslim League Party in the Punjab to be his handmaid, and himself the sole director of its policies. He therefore started giving more attention to intrigues against his Parliamentary leader than to carrying out his ministerial functions. This led to his exit from the Cabinet and the start of bitter wrangling within the Punjab Muslim League which continued unabated until the emergence of the Republican Party in 1956. After his resignation from the Cabinet in 1948, Mr. Daultana had himself elected as the President of the Provincial Muslim League, but later had to resign from this office when the delicate balance in the Provincial League Council had tilted against him.

With the battle joined on a broad front, Mr. Daultana managed to strike a deal with Karachi, and so manoeuvred things that the Central government dismissed the Mamdot Ministry and dissolved the Provincial Assembly. In the meantime Mian Abdul Bari had been elected President of the Provincial Muslim League with Mr. Daultana's consent. But after the Mamdot Ministry's exit, Mian Abdul Bari, in the description of Mr. Daultana himself, "unexpectedly started taking his office seriously." He succeeded in prevailing upon Mr. Liaqat Ali Khan to accept the nominees of the Provincial Muslim League as Advisers, during the Governor's regime. No sooner had the Advisers, regime started, than Mr. Daultana began making efforts to pull it down. He first managed to force Mian Abdul Bari to resign from the Presidentship of the Punjab Muslim League and had his own nominee, Sufi Abdul Hamid, elected instead. A resolution was passed at the same meeting of the Provincial League Council to withdraw the Advisers.

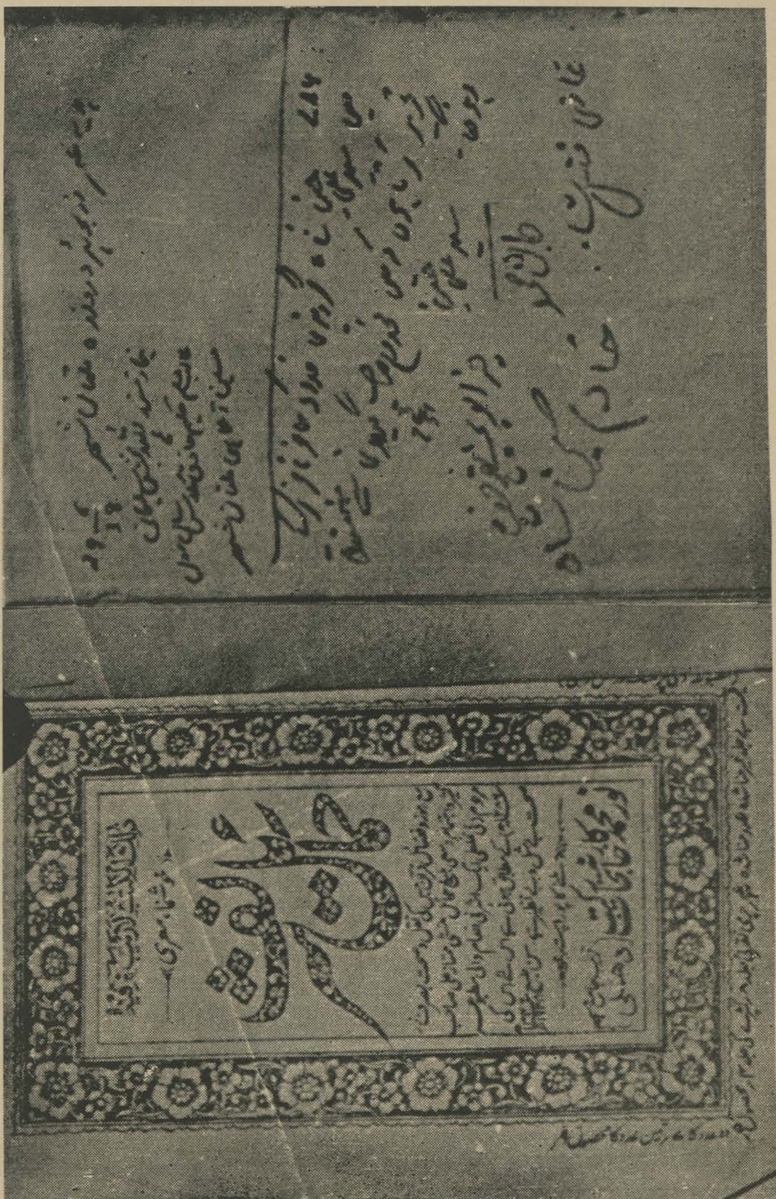
With the withdrawal of the Advisers' Regime and the election of Sufi Abdul Hamid as the Provincial League President, Mr. Daultana succeeded in securing the backing of Mr. Liaqat Ali Khan for holding and winning the Punjab provincial elections. The malpractices during these elections have become proverbial, so much so that the word "*jhurlu*" (controlled elections) which was used by newspapers for the first time during these elections has now become a recognised term in this context. Much of Mr. Daultana's unwavering hard core of

DAULTANA—GILANI PACT

(September, 1949)



GURDEZI—GILANI PACT
(1949)



parliamentary strength, which has repeatedly caused surprise in recent times, dates from those "well-managed" elections in 1951.

In this period it was demonstrated that Mr. Daultana can go to any length in political manoeuvring and feats. It would not be uninteresting here to mention how he handled the renowned and influential family of the Gilanis of Multan. A photographic copy of the agreement which Mr. Daultana entered into with the Gilanis in September 1949 is reproduced here opposite to page 20. It shows that Mr. Daultana did not mind even exploiting religion for personal political ends. The agreement is caligraphed on a leaf of the Holy Quran. In this agreement, Mr. Daultana had undertaken to acknowledge the leadership of the Gilanis in provincial politics in return for help in the District, where he could not get elected in the 1951 elections without the support of the Gilanis. The Gilanis are an exceptionally pious and God-fearing religious family. Once they were manoeuvred into executing an agreement on a leaf of the Holy Quran, they could be easily exploited for long periods without Mr. Daultana's honouringthe agreement on his part, because he knew very well that the scruples of the Gilanis would not allow them to retaliate.

A parallel agreement (again on a leaf of the Holy Quran) was executed by Syed Ali Hussain Gardezi, Mr. Daultana's lieutenant in the Multan District, in order to dupe the Gilanis to secure his success in the election from Multan City. A photostatic copy of this agreement is reproduced opposite to page 21. This agreement, too, was never honoured by the Daultana group.

After the elections of 1951 Mr. Daultana became the Chief Minister of the Punjab, with a safe parilamentary majority. But that was not enough. He now set out to fulfil his dream of being the supreme power in the land, which he had always aspired to be.

It is common knowledge, and the Munir Report has dealt in detail with the question that Mr. Daultana, who was the Chief Minister at the time, was held responsible for the Punjab Disturbances of 1953. It suffices to recapitulate that on March 6, 1953, before martial law had been proclaimed, Mr. Daultana publicly claimed that the three demands of the Anti-Qadiani agitation were in his view the unanimous demands of the Nation. He called upon Khwaja Nazimuddin to accept all these demands. But on March 10, 1953, when martial law had been pro-

claimed, Mr. Daultana issued another statement withdrawing his earlier pronouncement, claiming that he was merely trying to divert the attention of the misguided agitators, and at the same time condemning them as enemies of Pakistan. Mr. Daultana had on the one hand been encouraging the agitators to press their demands upon Khwaja Nazimuddin, while before the Court of Inquiry he also claimed credit for the ruthless shooting down, suppression and imprisonment of the agitators.

I have singled out Mr. Daultana merely to illustrate how the minds of some Muslim League leaders behaved after the establishment of Pakistan. There were scores of straight, honest, and selfless workers whom the grinding politics of a few individuals reduced to nullity. In fact, many were forced to turn away from politics, in utter frustration. This sense of frustration was gradually to envelop the whole nation.

So long as the Qaid-i-Azam and Mr. Liaqat Ali Khan were alive, their personalities towered over the political life of Pakistan. The Qaid-i-Azam died on September 11, 1948. The Qaid-i-Millat fell victim to an assassin on October 16, 1951. Since the death of these national heroes, Pakistani politics has found no lasting adequate anchorage.

I have often wondered what the shape of things in our country would have been today, had Khwaja Nazimuddin, who succeeded the Qaid-i-Azam as Governor-General, not become the country's Prime Minister after the death of Mr. Liaqat Ali Khan. He had been a strictly constitutional Governor-General, and if he had remained so, many of the subsequent developments that actually took place might not have occurred at all. As Prime Minister he was faced with the same problems as Mr. Liaqat Ali Khan plus the problem of rising opportunism among political leaders. The country had come to the brink of food shortage, rivalry between the East and West wings had started taking an ugly shape, and sectarianism was rife in the Punjab. All the portents of a coming storm were there. The new Prime Minister had not only to hold together the warring elements within the Muslim League, but also to contend with a rising opposition in the the form of the Awami League organisation, to found which in 1950, Pir Sahib of Manki Sharif and Mr. Hussain Shaheed Suhrawardy had held a Convention of dissident Muslim League workers at Lahore and thus established "the All-Pakistan Awami Muslim League".

In view of the tremendous problems of security and survival with which Pakistan was faced at the very outset, constitution-making did not

proceed at a fast pace in the first four years. The only achievement of the first Constituent Assembly was to pass on March 12, 1949, the famous "Objectives" Resolution, which is now incorporated in the Preamble to the Constitution of Pakistan. On the same date it constituted a Basic Principles' Committee to formulate the principles on whichthe Constitution of Pakistan was to be based. The Basic Principles' Committee in turn appointed a Steering Committee to report on the scope, functions, and procedure for the Basic Principles' Committee. The Steering Committee in turn was divided into three Sub-Committee to report to the main Committee on (1) Federal and Provincial Constitutions, and Distribution of Powers (2) Franchise, and (3) Judiciary.

The Basic Principles' Committee presented its first Interim Report on September 28, 1950. This Interim Report envisaged Pakistan as a Federation, with a bicameral Legislature at the Centre. There was to be an Upper House of Units, in which all the then existing Provinces were to be given equal representation. In the lower House of the People, representation was to be given to the same Provinces in proportion to their populations. The Provincial Legislature were to be uni-cameral. The legislative powers were to be divided between the Centre and the Provinces. But the residuary powers of legislation were to be vested in the Centre. Urdu was proposed as the official language of the country. This Constitutional pattern was strongly criticised in East Pakistan, because it was considered to be of no advantage to the Eastern Wing, being patterned more or less closely on the Government of India Act, 1935. Religious elements were also dissatisfied with the Draft, because it fell short of the ideal of an Islamic State. In view of this criticism, the consideration of the first Interim Report of the Basic Principles' Committee by the Constituent Assembly was postponed, "to invite from the public, suggestions for improvement and amendment". In response to this action, numerous and voluminous draft constitutional schemes and memoranda were addressed to the Basic Principles' Committee.

The Basic Principles' Committee was busy classifying all these drafts and schemes in detail, when Khwaja Nazimuddin took over as Prime Minister of Pakistan. He was responsible for stepping up the pace of Constitution-making, but this resulted in the sudden appearance of many East-West problems.

He presented the second Report of the Basic Principles Committee in December, 1952. This report for the first time introduced the Principle

of Parity between the two Wings of Pakistan, which in future was to lead to such far-reaching results. The new constitutional plan retained the federal structure and the bicameral legislature at the Centre. However, in the Upper House, East Bengal was to have 60 members, while the remaining 60 seats were to be distributed among all the provinces and states of West Pakistan. Similarly, in the Lower House, 200 members were to be elected by East Bengal, while the remaining 200 seats were to be distributed among all the provinces and States of West Pakistan. The Report further provided that an Ulema Board of not more than 5 persons at the Centre would advise the Head of the State to veto all legislation which it considered repugnant to the Quran and Sunnah. A similar Board was to be constituted in each Province to advise the Governor on the same lines.

The Second B. P. Report led to stronger reactions in West Pakistan, and especially in the Punjab, than the first Report had caused in the Eastern Wing. Mr. Daultana was the Chief Minister of the Punjab at the time.

When the second B. P. Report was out, Mr. Daultana, although he had finally signed it as a member of the Committee, now claimed that he had signed subject to his previous objections. Mr. Daultana carried on a stinging Press campaign against the new proposals of the Draft Constitution. His arguments were that personally he was in favour of a Unitary form of Government for Pakistan. If, however, a federal form of Government was inescapable, then the very first postulate of a federal constitution was that all the federating units co-operate as equal partners. In the constitutional plan of the second B. P. Report, Bengal was individually getting a share in the National Parliament equal to the representation of all the remaining federating units put together. West Pakistan might be a geographical entity, but it was not at the time an administrative entity. Hence there could be no possible logic in putting all the geographically contiguous administrative units at a disadvantage, against a geographically far away unit. Such an unequal federating formula could neither be described as a unitary form of Government, nor a federal, nor a confederal form of Government. It practically implied a confederation of the disjointed units of West Pakistan with the integrated unit of East Pakistan. Therefore, it would lead to the fragmentation of Pakistan.

It has to be admitted that Mr. Daultana's criticism was most rational, and in fact anticipated the considerations on which the Constitution of Pakistan was ultimately to be ironed out. But Mr. Daultana's misfortune was that his rational analysis had to be translated into irrational and obscurantist tactics, prescribed by the rigmarole of contradictory shibboleths in which the Muslim League had wrapped itself. True, Pakistan was to be an Islamic State, but did it imply that even the transitory distribution of administrative units of an Islamic State had to be discussed by converting the simple facts of geography into eternal theological principles, whose denial might lead to riots, internal disturbances and bloodshed ?

The Muslim League dogma that there could be only one patriotic political party in Pakistan, left no room for dissenters from the B.P. Report, but to walk out and create a new political party. Every dissenter was automatically a deviationist. Because religion is eternal, because the Muslim League is the sole custodian of Islam in Pakistan, therefore, every decision of its leadership is also final and eternal. Hence little scope was left for a democratic revision of decisions, once an irremovable leadership chose to stick mule-like, to any of its decisions. The unavoidable corollary was that even political rivalries and political differences had to be sublimated (or reduced) to theological differences and sectarian issues. To this day Muslim Leaguers take strong objection if any political party revises its policies in response to the democratic change of opinion in its ranks.

Anyhow, the outcome of the Muslim League's dogmatic pronouncements, and undemocratic outlook on the working of political parties, was that Mr. Daultana made his political differences with Khwaja Nazimuddin a matter of personal dislike, acrimony, enmity and rivalry. The Munir Report about the Punjab disturbances of 1953 has at more than one place expressed surprise how it was possible for the central and provincial Muslim League ministries to compete, each involving the other in a headlong collision with the Qadiani issue. The riddle is easily solved once it is realised that the Muslim League's political philosophy left no outlet other than internal subversion and disruption, either for the evolution of new policies or for the elimination of undesirable and incompetent leadership. It is the mania of giving colour of absolute truth to every particular action, that is at the root of the trouble. Eternal loyalty to abstract, moral, or absolute religious values and ideals is all

right. But it is absurd on the face of it to give permanent status to the policies or manifesto of a political party, as absurd as for any political party in a parliamentary democratic State to claim that its membership, or devotion to its mandates, is the criterion for judging the patriotism of citizens.

The Muslim League thus became a house sharply divided into many schisms. Without any popular following of their own, many Leaguers started the game of playing one set of influential personalities against the other, and both Khwaja Nazimuddin and Mr. Daultana became victims. While Mr. Daultana was encouraged by elements within the Central Cabinet to fight Khwaja Nazimuddin to secure better constitutional rights for the Punjab than proposed in the Second B. P. Report, the same elements also warned Khwaja Nazimuddin against the dissenting activities of Mr. Daultana. This kind of activity was bound to lead to a crisis in the country.

A group of Punjabi high officials and journalists about the same time met often in Karachi and Lahore to discuss the dangers of East Bengal's domination in Pakistan's politics. Gradually this move took shape as a project for West Pakistan's integration into one administrative unit, and then confronting East Bengal on an equal footing.

Khwaja Nazimuddin as the President of the Pakistan Muslim League, and the Chairman of the Central Muslim League Parliamentary Board called upon Mr. Daultana to resign from the Chief Ministership of the Punjab. Mr. Daultana on March 24, 1953, resigned, emphasising that he was doing this in deference to his political leader—Khwaja Nazimuddin. He also paid lavish tributes to the quality of Khwaja Sahib's leadership and gave expression to his feelings of loyalty, confidence, and great reverence.

Malik Feroz Khan Noon, who at the time was the Governor of East Bengal, was recalled, and the Punjab Muslim League Parliamentary Party elected him as its leader. He was appointed Chief Minister on April 3, 1953.

On April 10, 1953, Mr. Daultana who had succeeded Sufi Abdul Hamid as the President of the Punjab Muslim League, resigned from this organisational office as well, and Malik Feroz Khan Noon succeeded him.

The Budget Session of the Central Parliament concluded normally. On April 9, 1953, Khwaja Nazimuddin issued a detailed press statement about the food crisis in the country. He said Pakistan had asked the U. S. A. for a large loan of wheat. On April 17, the Governor-General, Malik Ghulam Muhammad, dismissed the Nazimuddin Ministry with the following announcement :—

"I have watched with growing uneasiness the exceedingly difficult conditions with which Pakistan is faced. There is a grave food situation, and the general economic outlook presents several features which must be dealt with vigorously. The law and order situation needs firm handling. There has been serious criticism of measures, and even more, of lack of measures, to meet the situation.

"I have been driven to the conclusion that the Cabinet of Khwaja Nazimuddin has proved entirely inadequate to grapple with the difficulties facing the country.

"In the emergency which has arisen, I have felt it incumbent upon me to ask the Cabinet to relinquish office, so that a new Cabinet, better fitted to discharge its obligations towards Pakistan, may be formed.

"I have, therefore, in exercise of my power under Section 10 of the Government of India Act as adapted, relieved Khwaja Nazimuddin's Cabinet of its responsibilities.

"I have called upon Mr. Muhammad Ali, Pakistan's Ambassador to the United States, to form a Government.

"I call upon the people of Pakistan to stand firm, and united, in their resolve to see that their needs are adequately served through a Government which fully enjoys the confidence of the country."

Khwaja Nazimuddin, in the first instance, in a Press satement on April 18, 1953, contended that he had quite recetnly to his dismissai received a vote of confidence from the Parliament. Therefore, his dismissal by the Governor-General was illegal. For a time, there was also talk of Khwaja Nazimuddin advising the British Queen to dismiss the Governor-

General of Pakistan, for his unconstitutional exercise of authority. But ultimately Khwaja Nazimuddin reconciled himself to his fate. "The serious situation through which Pakistan is passing, demands that I should not do anything, which will in the least weaken the position within the country, or of Pakistan in the world".

The parliamentary followers of Khwaja Nazimuddin did not so much, as meet to protest against his "unwarranted dismissal". Even the Pakistan Muslim League, of which Khwaja Sahib was President, did not raise a voice in protest. Khwaja Sahib had not nominated the members of his Working Committee after his election as President. When after his dismissal, he included the provincial Chief Ministers in his Working Committee, they one by one resigned. So Khwaja Nazimuddin on June 20, resigned from the Presidentship of the Pakistan Muslim League, declaring his intention to "retire almost completely from politics".

Home for consultations, Pakistan's Ambassador to the United States, Mr. Muhammad Ali, was appointed Prime Minister on April 17. His Cabinet included Chaudhry Muhammad Zafarullah, Foreign Minister; Chaudhry Muhammad Ali, Finance Minister; Mr. Mushtaq Ahmad Gurmani, Minister for Interior, States and Frontier Regions; Sardar Bahadur Khan, Communications Minister; Mr. Allah Bakhsh Brohi, Minister for Law, Minorities and Parliamentary Affairs; Khan Abdul Qaiyum Khan, Minister for Industries, Food and Agriculture; Mr. Shuab Qureshi, Minister for Informatiom, Broadcasting, and Kashmir Affairs.

Mr. Muhammad Ali immediately on assumption of office as the Prime Minister, tried to give a new orientation to his office and policies. He started broadcasting to the nation on the first day of every month. He tried hard to settle Pakistan's outstanding problems with India and solve the Kashmir issue by direct negotiations. Within a short time of assuming office he visited New Delhi, but his efforts did not succeed in view of India's stubborn and obdurate attitude. Not long after this visit, India imprisoned Sheikh Abdulla, Premier of Occupied Kashmir. In other directions Mr. Muhammad Ali's efforts proved very fruitful, particularly his negotiations with America for import of food, a military alliance with the U. S. A., alignment with Turkey, Persia, and Iraq in the Middle-East, and Economic Aid Agreements with America.

In the field of Constitution-making Mr. Muhammad Ali tried to accelerate the pace. He made strenuous efforts to iron out the Punjab-Bengal differences, and in October 1953 presented a third Basic Principles' Committee Report in which a formula to solve these differences was put forward. In this formula, which came to be known as the Muhammad Ali formula, the federal structure and the bicameral legislature proposed in the earlier constitutional schemes were accepted. A departure was made, however, inasmuch as the Budget had now to be passed by both the Houses. Other powers were also generally equal. In the case of deadlock, both the Houses were to meet in a joint session. Otherwise the outlines of the second B. P. Report were adopted.

The distribution of seats among the West Pakistan provinces was done in such a way that the share of the Punjab was reduced, while on the principle of "weightage" more seats were given to the smaller provinces and states.

The combined strength of either Wing in both Houses totalled 175 seats. Bengal had only 10 seats in the Upper House, but 165 in the Lower House. West Pakistan's 40 seats in the Upper House were divided at 10 each for the Punjab; the N. W. F. Province and States; Sind and States; and Baluchistan, Karachi, and Bahawalpur State. The 135 seats of West Pakistan in the Lower House were distributed as follows :—

Punjab	75
N.W. F. Province and States	24
Sind and Khairpur	19
Karachi, Bahawalpur, Baluchistan and States ..	17

The work on the completion of the permanent constitution was now taken up with a breath-taking speed. In November 1953 a *Drafting Committee* was appointed by the Constitent Assembly to write down the actual Constitution in the light of the decisions already taken by the Basic Principles' Committee.

On November 2, 1953, almost all the non-Muslim members boycotted the House, protesting against incorporating the postulates of the Quran and Sunnah into the Constitution. They also voiced strong protests against the continuation of the separate electorates. Mr. S. C. Chattopadhyaya, Congress Leader, said that repeated insistence on the Two-

Nation theory implied "an inferior status for non-Muslims", while Mr. B. K. Dutta complained that the minorities were being treated as "Stateless people". He described separate electorates as a "partition-wall" between the majority and the minority. He characterised the communal qualification for the Head of the State as an "inglorious exhibition of an utterly selfish outlook". Professor Chakarvarti asserted that the minorities had been treated as "a class of political inferiors and slaves". The Indian Premier, Pandit Jawahar Lal Nehru on November 15, 1953 characterised the Pakistan Constituent Assembly's Draft Constitutional Proposals as "a medieval conception totally opposed to democracy, which created two classes of citizens and had the implication of a superior giving some kind of protection to a political inferior". The Law Minister of Pakistan, Mr. Brohi, in a statement on November 23 replied to Mr. Nehru's statement by asserting that the peculiarities of Pakistan's constitution were confined to the Directive Principles which were not enforcible as law and only embodied the State ideology. The provision with regard to the Quran and Sunnah was only negative, and was confined to future legislation, and economic measures had been excluded from its jurisdiction.

From April to September, 1954, the Constituent Assembly worked hard to pass the draft constitution. The job that had not been completed in six years was now finished within less than 6 months. By September 21, 1954, the Basic Principles Committee Report was approved with minor amendments. Only the final preparation of the Constitutional Bill and its formal approval remained.

While the Governor-General had left Karachi for a tour of the N. W F. P., the Constitent Assembly on September 21, 1954, amended the interim constitution to take away from the Governor-General the power to dismiss a Cabinet enjoying the confidence of the House. This was the provision under which the Nazimuddin Cabinet had been dismissed. The High Courts were given power by inserting a new Section in the interim Constitution, 223-A, to issue writs in the nature of Habeas Corpus, Prohibition, Mandamus, Quo Warranto, and Certeriori.

The Constituent Assembly also repealed the Public and Representative Offices Disqualification Act of 1949 (PRODA), on September 21. The original Act authorised the Governor-General to debar from public life for a maximum period of ten years those Ministers, members of central or provincial assemblies, and Parliamentary Secretaries, who were found

guilty of corruption or mal-administration. The Repealing Act laid down that it would not effect penalties already imposed, or any cases pending before the courts.

The two persons primarily affected by the exceptions to the Repealing Act were Mr. Khurro who had been convicted under the PRODA in 1953, and Mr. Daultana, against whom proceedings had been started, as a result of the findings of the Punjab Disturbances of 1953 Court of Inquiry. A Special Tribunal had convicted Mr. Khurro for "misconduct, wilful mal-administration, and abuse of official power". He had been sentenced to a 6 years disqualification from holding any public office. The Constituent Assembly adjourned on September 21, till October 27, to provide time for a few formal finishing touches to the draft constitution, before its final consideration.

Meanwhile Mr. Muhammad Ali proceeded to America to negotiate with President Eisenhower and the Secretary of State, Mr. Dulles, for closer relationship between Pakistan and the U. S. A. While he was away, a number of developments took place at home. The curtailment of the Governor-General's powers was interpreted as the prelude to an attempt to get together a parliamentary majority with the help of the solid Bengal bloc; complete the permanent constitution early, and oust the Governor-General in the interim elections under the new constitution. Messrs. Daultana and Khurro became more active than ever, and were busy behind the scenes. They secured to their personal advantage the withdrawal by the Governor-General of PRODA convictions against them.

On October 21, 1954, the Governor-General, in response to a petition by Mr. Khurro issued an order, withdrawing with immediate effect penalties imposed against Mr. Khurro and others convicted under PRODA. At the same time the impending proceedings against Mr. Daultana were also withdrawn. The Governor-General's order explained that on the merits of the cases, there was no ground for interference with the earlier convictions and sentences. However, public opinion had strongly denounced the Repealing Act, and particularly the "discriminatory character" of its saving clauses. The position produced by the Repealing Act was "wholly illogical and unethical, and in equity clearly indefensible". Therefore, the Governor-General considered it his duty to set right the "palpable injustice".

When Mr. Muhammad Ali returned to Karachi on October 23, he was immediately taken to the Governor-General's residence, from where he emerged in the night to broadcast a message to the nation, that the Governor-General had, in consultation with him, declared a State of Emergency in the country, dismissed his previous Cabinet, and dissolved the Constituent Assembly. He had been commissioned by the Governor-General to reconstitute his Cabinet.

On October 24, 1954, the Governor-General issued the following "Proclamation of Emergency":—

> "The Governor-General, having considered the political crisis with which the country is faced, has with regret come to the conclusion that the constitutional machinery has broken down. He, therefore, has decided to declare a State of Emergency throughout Pakistan. The Constituent Assembly, as at present constituted, has lost the confidence of the people and can no longer function.
>
> "The ultimate authority vests in the people, who will decide all issues, including constitutional issues, through their representatives to be elected afresh. Elections will be held as early as possible.
>
> "Until such time as elections are held, the administration of the country will be carried on by a reconstituted Cabinet.
>
> "He has called upon the Prime Minister to reform the Cabinet with a view to giving the country a vigorous and stable administration. The invitation has been accepted. The security and stability of the country are of paramount importance. All personal, sectional and provincial interests must be subordinated to the supreme national interest ".

The nature of the "emergency" will become clear if we also survey the political scene in East Pakistan since independence.

At the time of Partition, there were two eminent Muslim leaders of East Pakistan who had both gardually lost their dominant position in politics : Mr. Hussain Shaheed Suhrawardy, who belongs to a leading

and scholarly family of Bengali Muslims, had started his career in the famous Khilafat movement; and Maulvi Fazlul Haq, who has a long record of solid and selfless service to the down-trodden rural masses, and is the founder leader of the Krishak Praja Party.

In the 1936 Elections, the Krishak Praja Party had defeated the Muslim League in Bengal, just as Sir Fazl-i-Hussain's Unionist Party had successfully cried " hands off the Punjab". Maulvi Fazlul Haq became the Chief Minister of Bengal. But in 1937 Maulvi Fazlul Haq together with Sir Sikander Hyat Khan attended the Lucknow Session of the Muslim League, acknowledged Qaid-i-Azam Muhammad Ali Jinnah's leadership in all India questions, and joined the organization. Thereafter he became one of the top-most leaders of the Muslim League, so much so, that in 1940 it was he who moved the famous Lahore Resolution. In those days he was known as "the Lion of Bengal".

His first clash with the Qaid-i-Azam and the Muslim League occurred when in 1941 he refused to resign from the National Defence Council nominated by the British Government. Qaid-i-Azam asserted that co-operation in the war-effort could only be extended after the British Government had entered into an overall settlement with the Muslim League. Maulvi Fazlul Haq's contention was that he had joined the National Defence Council in his capacity as the Chief Minister of his Province.

For a time Maulvi Fazlul Haq continued as Chief Minister, even after his breach with the Muslim League, first in coalition with the Congress, then in coalition with the Hindu Maha Sabha. His monumental work in the education of Muslim young men and in getting them employment in the various Government departments will always be remembered. Just as the pioneer work of Sahibzada Abdul-Qayyum in the N.W.F.P., of Sir Fazl-i-Hussain and Sir Sikander Hyat Khan in the Punjab, and of Sir Abdullah Haroon and Sir Ghulam Hussain Hidayatullah in Sind laid the foundations without which the dream of Pakistan could not have materialised into a reality, so also Maulvi Fazlul Haq has rendered unforgettable service in Bengal. But the tide of world events and the constitutional developments on an all India basis had given a temporary importance to the Muslim League, which soon eclipsed Maulvi Fazlul Haq.

The vacuum was filled by Khwaja Nazimuddin, who prevailed upon Maulvi Fazlul Haq to leave the political field vacant for him, by accepting

the post of the Provincial Advocate-General. Later Mr. Nurul Amin was appointed as his successor.

The Bengali Muslims on the whole felt disgruntled and dissatisfied after the establishment of Pakistan. Among the various causes of discontent was the attitude of some of the administrative officers who had been sent from West Pakistan to man senior posts in East Pakistan. In the higher services, the Muslim Bengalis had never been given their due share in United India. Therefore after partition few Bengalis were to be found in the higher services in any department. The influx of non-Bengali officers led to a misunderstanding, imaginary in some cases, real in others, that these officers did not take adequate interest in helping to ameliorate the conditions of their Bengali brethren. Their presence instead of creating feelings of one-ness and of brotherly affection, created feelings of bitterness and hatred. In the field of industry, there were very few Muslim capitalists in East Bengal who could be encouraged. In the circumstances, the capitalists from the Western wing moved in to establish the much needed industries. This also gave rise to a feeling that East Pakistanis were not being given proper opportunities.

It was unfortunate that instead of devoting their attention to a positive solution of the problems of East Bengal, those in charge of affairs in that Province started blaming the politicians of the West for all the ills. As in the days of the Caste Hindu agitation against the first partition of Bengal in 1906, when the language question had come to symbolise the social, economic, and even political aspirations of the populace, now again the language question raised its head.

Until the formation of Pakistan it had been taken for granted that Urdu would be the national language. Had not the Muslim Leaguers taken an offensively dogmatic and domineering attitude about the future of the Urdu language in Bengal, had not Urdu become the symbol of the non-Bengali officer who lorded over Bengalis, had not the advocates of the Bengali language been permitted to demonstrate to the Bengali people that their economic, administrative, and political emancipation was linked with the survival of the Bengali language against the influence of the supporters of Urdu, who showed every sign of establishing a colonial rule in Bengal, there was every possibility that, just as Urdu has in the past successfully absorbed so many different linguistic elements, it would

in time have struck a cordial bargain with the Bengali language. Both would have served to enrich and serve the intellectual life of the nation.

But this did not happen. The language issue was in the beginning raised by the Caste Hindu influence at the Rajshahi and Dacca Universities. The Caste Hindu Press of Calcutta had fanned the agitation. But it was the short-sighted and self-deluded attitude of the Muslim League ministry that worsened the situation. They did not even stop the senseless obliteration of Bengali signs from the trains and their replacement by Urdu signs. The demand for the Bengali language soon came to symbolise the much more solid demand of Bengali students for employment, the claim of the Bengalis to be masters in their own province.

The First Interim Report of the Constituent Assembly Basic Principles Committee in 1950 proposed Urdu as the sole official national language. The Bengali intelligentsia took it as a step towards their permanent elimination from the administrative services, in favour of Urdu-speaking refugees, and West Pakistan's domineering officials and politicians. The language agitation thus received a further impetus. In 1952, East Bengal student demonstrators, in favour of the Bengali language, were fired upon. This made the victims national martyrs. *Rashtar Bhasha Bangla Chaiyo* became a universal slogan.

The failure of the Muslim League ministry in the economic field aggravated the situation. Criticism of Government for this failure was misinterpreted and Maulana Bhashani who, like the Pir of Manki Sharif in the North-West Frontier, was responsible more than any other individual for Sylhet's vote in the Referendum for Pakistan, was put in prison, because he attacked the Government for the continued economic misery of the people. The Muslim Leaguers were aware of their unpopularity and they kept the by-elections to the Provincial Assembly pending for 7 years, because of the certainty of defeat for the Muslim League.

The result was that when Mr. Muhammad Ali, the Prime Minister and President of the Pakistan Muslim League, decided to hold elections in East Pakistan during 1954, all sections of public opinion combined in a United Front (Jagtu Front) to defeat the Muslim League. Maulvi Fazlul Haq, Mr. Hussain Shaheed Suhrawardy, and Maulana Abdul Hamid Bhashani together with Maulana Athar Ali's Nizam-i-Islam and many smaller groups got together to oust the Muslim League from power.

Communists and Caste Hindus extended their support to this United Front, from motives of their own. The main partners of the Front tolerated these allies for the time being, because any support was naturally welcome to win the elections. But the fundamental divergence of views and motives among the component elements was to have decisive repercussions after the electoral victory. The joint manifesto, which consisted of 21 points, is reproduced below:—

United Front Party Manifesto

The United Front Party, if voted to power, will fulfil the following programme within the next five years of its regime.

Policy

There will be no enactment in the House which is repugnant to the fundamental principles of the Holy Quran and the Sunnah and provisions will be made for the citizens to live their lives on the basis of Islamic equality and brotherhood.

Programme

(1) To make Bengali one of the State languages of Pakistan;

(2) To abolish without compensation all rent-receiving interests in land and to distribute the surplus lands among the landless cultivators and reduce rent to a fair level and abolish the certificate procedure for realising rent;

(3) To nationalise the jute trade. To make arrangements for securing fair price of jute to jute-growers, and to investigate into the jute-bungling during the Muslim League regime, to punish those found responsible for the bungling and to forfeit all their properties earned thereby;

(4) To introduce co-operative farming and to improve the condition of cottage industries and manual works;

(5) To start salt industries, both cottage and big, in order to make East Bengal self-sufficient in the supply of salt. To investigate

into the salt-bungling during the Muslim League regime and to punish those who are responsible for that bungling;

(6) To immediately rehabilitate all refugees, particularly those who are artisans and technicians;

(7) To improve the irrigation system and save the country from flood and famine;

(8) To industrialise East Bengal and to guarantee the economic and social rights of the Industrial labour, according to the I.L.O. conventions;

(9) To introduce free and compulsory primary education and to arrange for just pay and allowances for the teachers;

(10) To re-orientate the entire secondary educational system by abolishing the discrimination between government and private schools, and to introduce the mother tongue as the medium of instructions;

(11) To repeal all the reactionary and black laws of the Dacca and Rajshahi Universities and to make them autonomous institutions;

(12) To make an all-out curtailment of the cost of administration and to rationalize the pay-scale of high and low-paid government servants. United Front Ministers shall not accept more than Rs. 1000 as their monthly salary;

(13) To eradicate all corruption, nepotism, and bribery and with this end in view, to take stock of the properties of all government officers and business-men from the year 1940 onward and forfeit all properties, the acquisition of which is not satisfactorily accounted for;

(14) To release all security prisoners detained in jails under various public safety acts and ordinances and to guarantee freedom of the Press, speech and associations;

(15) To separate the executive from judiciary;

(16) To convert Burdwan House for the present into a students' residence, and afterwards into a Research Institute of Bengali language and literature;

(17) To erect a monument to commemorate the memory of those martyrs who gave their lives for the Bengali language on February 21, 1952, and to compensate the bereaved families;

(18) To declare 21st of February as "Shahid Day" and as a public holiday;

(19) In accordance with the historic Lahore Resolution, to secure full and complete autonomy and bring all subjects under the jurisdiction of East Pakistan, leaving only defence, foreign affairs and currency under the jurisdiction of the Centre. Even in the matter of defence, arrangements shall be such as to have the headquarters of the Army in West Pakistan and the headquarters of the Navy in East Pakistan with a view to make East Pakistan self-sufficient in the matter of defence, and to convert the present *Ansars* into fulfledged militia;

(20) United Front Cabinet shall on no account extend the life of the legislature, and the Ministry shall resign six months before the general election and shall arrange for a free and fair election through the agency of an Election Commissioner;

(21) All casual vacancies in the legislature shall be filled up through by-elections, within three months of the date of the vacancies, and if the United Front nominees are defeated in three successive by-elections, the Ministry shall voluntarily resign from office.

The elections in East Pakistan were held from March 8 to 11, 1954. In a House of 310, Muslim Leaguers did not win more than 10 seats. The Muslim League Chief Minister lost his seat to a very young student, who won with a majority of 7,000 votes. All Ministers lost their seats. Many prominent Leaguers forfeited their election securities. The party position was as follows:—

Muslim Seats

United Front	223
Muslim League	10
Independents	3
Khilafat-e-Rabbrani	1

Minority Seats

Pakistan National Congress	24
Minority United Front	10
Ganatantri Dal	3
Communists	4
Scheduled Caste Faderation	27
Christian	1
Budlist	2
Caste Hindu Independent	1

After the elections, the United Front declared that Maulana Bhashani would be the leader on the popular front, Mr. Suhrawardy would be the leader for the central parliamentary affairs, and Maulvi Fazlul Haq would be the provincial parliamentary leader.

On March 20, Mr. Muhammad Ali in a policy statement before the Constitent Assembly asserted that the United Front would be allowed to form a Ministry in Province, but the results of provincial elections could have no bearing for the Constitent Assemly or the Central Cabinet, because there was "no constitutional provision" for the dissolution of the Constitent Assembly. · Nor there was "any compelling reason" for it to resign. There was theoretically no party-system inside the Constitent Assembly. It was a body appointed for a specific job., i.e., the formulation of the Constitution. The electorate had no power to withdraw its support before the completion of its special job. Besides it would be "unworkable" in a federal State to effect a change at the Centre with the drifting results of every provincial election. The provincial electorate had not been declaring its verdict on the Central set-up, while electing its provincial representatives. In this way, no stability or continuity "in the federal legislation or government would be possible". He cited in support of his thesis the precedents of Australia, Canada, and the U.S.A.

On March 25, the Governor of East Bengal, Chaudhri Khaliquzzaman, who had been appointed in succession to Malik Feroz Khan Noon, when the latter took charge as the Chief Minister of the Punjab on April 3, 1953, called upon Maulvi Fazalul Haq, as leader of the United Front Provincial Parliamentary Party, to form a Cabinet. After the Fazalul Haq Cabinet had taken office on April 3, 1954, the United Front Parliamentary Party despite the Prime Minister's policy statement of March 20, called upon East Bengal's representatives in the Constituent Assembly to resign their seats because the provincial general elections amounted to an expression of lack of confidence of the people in them. The Provincial Assembly had been the electoral college for the indirect elections to the Constitent Assembly.

An overwhelming majority of these Bengal members of the Constitent Assembly belonged to the Muslim League. They refused to resign and they received a mandate for their action from the Muslim League Working Committee. Thereupon a demand was made for the dissolution of the unrepresentative Constitent Assembly, and its replacement by a directly elected Assembly. Mr. Suhrawardy was the main spokesman for this demand, on behalf of the United Front. There was also a demand for the immediate resignation of the Central Cabinet headed by Mr. Muhammad Ali who had meanwhile been elected from East Bengal on a Muslim League ticket.

The induction into office of the Fazlul Haq cabinet in East Pakistan on April 3, had been preceded by a riot on March 30, at Karnaphuli Government Paper Mill of Chandragona, between Bengalis and Non-Bengalis. Three members of the Executive of the Mill, and 13 others, were killed. It will be recollected that the Governor had called upon Maulvi Fazalul Haq on March 25, to form a Cabint. The swearing-in of the Cabinet had also been delayed on account of the riot.

In Dacca on May 6, the prison staff was attacked by a mob storming the jail. One boy was killed, and 58 persons were injured during the disorders.

The most serious disturbances occurred on May 14 to 15 through a clash between the Bengali and non-Bengali workmen at the Adamji Jute Mill at Narayanganj, which employs 18,000 men, and is the largest in the world. The riot on May 15, actually took place in the presence of the

East Bengal Minister of Labour, Mr. Azizul Haq, who had gone to the factory in an attempt to reconcile the two groups after a fight the previous evening. While Mr. Azizul Haq was talking with the workmen, the fighting began and went on for several hours. The labour quarters of the Mill were set on fire. Over 400 people, including many women and children, were killed. Over 1000 were injured before order was eventually restored by the troops and the police. Troops were also posted in the strategic areas of Dacca, all meetings of more than five persons were banned, and a curfew was imposed.

Mr. Muhammad Ali, the Prime Minister, declared on May 17 that "Communists and other elements inimical to Pakistan, within and from outside the country," had organized the disturbances which he denounced as a "foul conspiracy" against the industrial progress of East Pakistan. This allegation was, however, rejected by Maulvi Fazlul Haq, who described it as fantastic. The Communists accused the Muslim League of fomenting hatred between the refugees and the non-refugees.

During the last week of May, Maulvi Fazlul Haq and other Members of his Cabinet held a series of conferences with the Central Government at Karachi. On May 30 the Bengal Ministers left Karachi for Dacca. In a joint statement issued before leaving Karachi, Maulvi Fazlul Haq and his Cabinet colleagues explained that they were "for the autonomy of the Provinces, and not for their independence or separation". However, they reiterated their election manifesto of leaving only defence, foreign affairs, and currency to the centre.

On May 30, before Maulvi Fazlul Haq had returned to Dacca, Mr. Ghulam Muhammad, the Governor-General, issued a proclamation under Section 92-A of the Government of India Act, 1935, introducing Governor-General's Rule in East Pakistan, on the ground that "a grave emergency exists whereby the security of Bengal is threatened, and a situation has arisen in which the government of East Bengal cannot be carried out in accordance with the provisions of the Government of India Act, 1935".

Chaudhry Khaliq-uz-Zaman, the Governor of East Pakistan, was recalled on account of his differences with the Central Government policies and replaced by Major-General Iskander Mirza, who was then the Secretary of the Ministry of Defence. General Mirza was flown to Dacca during the same morning, and was installed as Governor before sun-down.

The same evening, Mr. Muhammad Ali, in a broadcast condemned Mr. Fazlul Haq as a "traitor to Pakistan". He said that "Administration in the Province has virtually broken down". He claimed that his Government had not been "influenced in the slightest degree by the fact that the Provincial Ministry was not a Muslim League Ministry but a United Front Ministry". He warned that "disruptive forces and enemy agents were actively at work in East Bengal to undermine the integrity of Pakistan by setting Muslim against Muslim, class against class, and Province against the Centre". These agents were "creating confusion and economic chaos by sabotaging and destroying its industrial progress".

Mr. Muhammad Ali alleged that Maulvi Fazlul Haq had publicly repudiated the suggestion that Communists and other subversive elements had had any hand in the disturbances. The United Front leaders had made "the fantastic allegation" that the Central Government and the Muslim League had instigated the riots to discredit the United Front. Mr. Fazlul Haq was also condemned for his interview with the "Reuter" and "New York Times" Correspondents, wherein he was reported to have said that his ultimate object was to secure independence for East Pakistan. Maulvi Fazlul Haq denied the report. Maulvi Fazlul Haq was also charged with having announced at Calcutta, speaking at a reception on May 4, that he "did not believe in the political division of the country". He was alleged to have added, "I am in fact not familiar with the two words: Pakistan and Hindustan". He considered those to be the enemies of India who had divided the country. Mr. Muhammad Ali commented, "These disloyal utterances fit with the historical fact that Mr. Fazlul Haq opposed the establishment of Pakistan. I leave Mr. Fazlul Haq and his various statements to the judgment of my countrymen. I have no doubt that their verdict will be that Mr. Fazlul Haq is a traitor to Pakistan. He is traitor even to East Bengal, because no man in his senses could imagine that independent Bengal would last even as long as Hyderabad did. He is fundamentally disloyal to Pakistan".

On his arrival at Dacca, Maulvi Fazlul Haq summoned a meeting of his suspended Ministry, which adopted resolutions condemning the Central Government's "arbitrary, undemocratic, and unconstitutional action". They appealed to the public nevertheless, "to maintain peace and tranquility". They gave an assurance that "all legitimate and constitutional measures will be taken to vindicate the democratic rights of the people". On May 31, Maulvi Fazlul Haq was placed under an armed gaurd posted

at his home, while Sheikh Mujib-ur-Rahman, Secretary to the Awami League, and Minister in the Provincial Cabinet, was arrested. Up to July 27, 1954, a total of 1,292 people were arrested in East Bengal, including Mr. Yusuf Ali Chaudhry, a former Provincial Minister, and 32 other Members of the Provincial Assembly, 491 of whom were subsequently released. The Dacca Press was subjected to pre-censorship. A meeting of the United Front Provincial Parliamentary Party was prohibited on June 6, 1954. On the same day, an order was issued prohibiting all political meetings without previous permission from the District Magistrate. The Communist Party was declared illegal on July 5, 1954.

The suspension of the Constitution in East Bengal came up for discussion in the Pakistan Parliament. Mr. Muhammad Ali alleged that there had been a "deliberate attempt to slow down production in all industrial concerns, in pursuance of a calculated policy". This had come in the wake of mischievous propaganda of hatred, and vilification against the Centre, and against non-Bengalis, carried on by the United Front Party, actively supported by the Communists, who had tried to encourage pseudo-Bengali nationalism. He promised that parliamentary rule would be reintroduced as soon as possible.

Dr. Mahmud Hussain, a Muslim League Member of the Parliament, a former Minister in Khwaja Nazimuddin's Cabinet, and an ex-Vice-Chancellor of Dacca University, expressed the view that the imposition of the Governor's Rule was a wrong step. He said that the root-cause of the trouble in East Bengal was not Communism, but "hatred between East and West Pakistan". Since Partition "the arrogant behaviour" of non-Bengali Muslims had made the Bengalies hate them. He pointed out that none of the Secretaries in the East Bengal Government was from Bengal. Non-Bengalis had the upper hand in other Government posts, as well as in industry. He deplored that even in the Pakistan Parliament some Members had behaved as if East Bengal was a locality separate from Pakistan. Mr. Muhammad Ali, in his reply, admitted Dr. Mahmud Hussain's analysis of the antagonism between Bengalis and non-Bengalis as largely correct. But he rejected his arguments against the imposition of the Governor's Rule. He announced that his Government was considering whether Maulvi Fazlul Haq should be brought to trial.

On July 23, Maulvi Fazlul Haq, who was then 84, announced that he was retiring from public life on grounds of advanced age. He regretted

having made utterances which reflected on his loyalty to Pakistan. "In an unguarded moment, perhaps in my exuberance, I said things which I should not have done, but I did not mean what I said. I did not at that time realize the implications".

When the first Constituent Assembly was dissolved and Mr. Muhammad Ali's cabinet reconstituted in October, 1954, the Muslim League had ceased to function as an effective democratic party. It had no programme, and no discipline. It had lost all humility of approach, which is a pre-requisite in the conduct of public affairs. Instead it had developed an inflated pride and a chronic conceit in its complex of self-righteousness. It tried to compensate for its lack of a concrete, solid, and practical political manifesto, by making a fetish of an obscurantist ideology. It was self-conscious of its inner weakness and fundamental dishonesty of approach to the people. Therefore the political party as such never accepted the challenge of events, face to face. Whenever there was a crisis, the tendency was never to analyse or solve it. There was complete confusion among its parliamentary and organisational wings.

The administrative institutions of a State, and especially in a democratic parliamentary State, have heavy burdens of their own to carry. When organisational activities too are completely transferred from political parties to the parliamentary and administrative machinery, the situation becomes untenable. This is what happened in Pakistan.

It is the responsibility of political parties to arrive at personal equations among the politicians or statesmen. The parliamentary institutions and the administrative machinery are primarily meant to solve the collective problems of a society. Because the Muslim League had lost the capacity and the courage to frame issues of general policy, to adjust the unavoidable individual ambitions and rivalries, therefore every clash of personality developed into an administrative, or even a constitutional deadlock.

Whenever the situation became too hot for the participants, one or another of them had recourse to the easy solution of taking shelter behind platitudes, using popular slogans as a big stick for beating his opponents. There was no will—indeed no intention—ever to be guided by the spiritual or moral meaning of cardinal principles. They were used just as pawns in a game of political chess for the attainment of power, or check-mating the rivals.

That is the reason why the series of emergencies in Pakistan which started with the 1953 disturbances in the Punjab, the dismissal of Khwaja Nazimuddin and the dissolution of the first Constituent Assembly of Pakistan, did not terminate, till after the Republican Party in the West and the Awami League in the East emerged as regular political parties, filling up the gap created by the deficiencies of the Muslim League.

The reconstituted Central Cabinet of 1954 included the following new Ministers: Major-General Iskander Mirza replaced Mian Mushtaq Ahmad Gurmani as Minister of Interior, States and Frontier Regions. General Muhammad Ayyub Khan, Commander-in-Chief of Pakistan was brought in as Minister for Defence. Dr. Khan Sahib as Minister for Communications joined the Cabinet for the first time after his release in January, 1954. Mir Ghulam Ali Talpur became the Minister for Education, Information and Broadcasting. Sardar Amir Azam Khan was appointed Minister for Refugees and Kashmir Affairs. Mr. Muhammad Ali retained Foreign Affairs and Commonwealth Relations.

Sardar Bahadur Khan, the former Minister for Communications; Dr. Hussain Qureshi, the former Minister for Education and Refugees; Mr. Brohi, the former Minister for Law and Parliamentary Affairs; Khan Abdul Qayyum Khan, the former Minister for Industries, Food and Agriculture ; and Mr. Shuaib Qureshi, the former Minister for Information and Kashmir Affairs, besides Mr. Zafarullah Khan, the former Minister for Foreign Affairs, were dropped from the Cabinet.

It was the inclusion of Dr. Khan Sahib and Major-General Iskander Mirza in the Central Cabinet which ultimately proved the beginning of a new constructive and democratic era in the politics of Pakistan. Dr. Khan Sahib had a life-long experience of troubled politics to draw upon in dealing with the situation which was full of pit-falls. On the one hand his democratic instincts left him in no doubt that the future of Pakistan lay in parliamentary institutions. On the other hand, his knowledge of practical affairs warned him that the parliamentary institutions of the country had been tainted and wrecked by a generation of unscrupulous politicians. The wrong that had already been done could not be set right by clap-trap. The only remedy lay in patience and wisdom.

Thus for a while Dr. Khan Sahib and Major-General Iskander Mirza tried to co-operate with the Muslim League rump, to cleanse it of its

undesirable elements and of its obscurantist policy. When after experiments extending over a year and a half, they finally discovered in the middle of 1956 that the malady of the Muslim League was beyond any cure, they undertook the formation of a new political party—the Pakistan Republican Party.

It was nevertheless apparent that the country had still to pass through difficult times, and each new "crisis" and "emergency" had to be overcome by drastic action by the Governor-General. The reconstituted Central Cabinet did not conform to party pattern. An effort was made to give it a broad national basis. To reinforce and strengthen it, Mr. Suhrawardy was brought into the Central Cabinet on December 20. To balance Mr. Suhrawardy's entry, Mr. Abu Hussain Sarkar, who in the United Front had belonged to Maulvi Fazlul Haq's rival group against Mr. Suhrawardy, was also made a Central Minister on January 4, 1955. Mr. Abu Hussain Sarkar's inclusion in Mr. Muhammad Ali's Cabinet, in time, paved the way for reconciliation between Maulvi Fazlul Haq and Mr. Muhammad Ali on June 3, 1955. Then Mr. Muhammad Ali, who had openly charged Maulvi Fazlul Haq with treason the previous year, paid handsome tributes to him, and Governor's Rule in East Bengal was withdrawn. Mr. Abu Hussain Sarkar was made the Chief Minister, as a nominee of Maulvi Fazlul Haq, on June 6, In the meantime, there were long drawn out arguments in the courts regarding the constitutional imbroglio created by the dissolution of the first Constituent Assembly.

As noted, the first Constituent Assembly of Pakistan had inserted a new Section 223-A into the Government of India Act, 1935, giving powers to the High Courts in Pakistan to issue writs against the government and its officials. It was under this section that on November 8, 1954, the President of the Constituent Assembly filed a petition before the Chief Court of the Sind. He claimed that the Governor-General had no authority in law to dissolve the Constituent Assembly, which was a sovereign body under the Independence Act of 1947 passed by the British Parliament. He also claimed that the new Ministers appointed by the Governor-General who were not members of the Constituent Assembly could not hold office under the Constitution. He prayed that the Court might grant him a writ against the Governor-General, so that he may not be prevented from performing his duties as the President of the Constituent Assembly of Pakistan.

A full bench of the Sind Chief Court in a unanimous judgment delivered on February 9, 1955, accepted all the prayers of Maulvi Tamizuddin Khan. The Court held that the Constituent Assembly was a sovereign body, and it did not lie with any subordinate authority to dissolve it. It had no prescribed duration of life. It was subject to no agency or institution outside itself, to effect its dissolution or to give its laws validity. The Government of Pakistan appealed to the Federal Court against the judgment of the Sind Chief Court. Hearings started on March 1, 1955. The Federal Court in a majority judgment delivered on March 21, refrained from expressing any opinion on the issue whether the Governor-General had the authority to dissolve the Constituent Assembly or not. But the Court accepted the appeal against the Sind Chief Court's judgment on the ground that courts could only take notice of this dispute between the President of the Constituent Assembly and the Governor-General of Pakistan under Section 223-A of the Government of India Act, 1935. This Section had been inserted by an Act of the Constituent Assembly itself. It had not received assent from the Governor-General. The Federal Court decided:

> "We hold that the Constituent Assembly when it functions under sub-section (I) of Section 8 of the Indian Independence Act, 1947, acts as a legislature of the Dominion within the meaning of section 6 of that Act; that under sub-section 3 of the latter the assent of the Governor-General is necessary to all legislation by the legislature of the Dominion; that since section 223-A of the Government of India Act, 1935, under which the Chief Court of Sind assumed jurisdiction to issue the writ, had not received such assent, it is not yet law, and that therefore that Court had no jurisdiction to issue the writs. We accept the appeal, set aside the judgment of the Sind Chief Court and recall both the writs. The parties will bear their own costs throughout".

Ever since the creation of Pakistan, whenever the Constituent Assembly had passed any Act in its capacity as the Constituent Assembly of the country, the consent of the Governor-General had never been considered necessary, and therefore was never obtained. The result was that 44 other similar Acts were also invalidated along with section 223-A by the decision of the Federal Court.

In order to meet these complications, the Governor-General of Pakistan on March 27 issued another 'Proclamation of Emergency', and

by an Emergency Powers Ordinance, retrospectively legalised thirty-five of the forty-four Acts invalidated by the Federal Court's judgment on March 21.

On April 12, however, the Federal Court while giving judgment in an appeal by a Yusaf Patel against the validity of the Goondas Act of 1952 in Sind, ruled that the Governor-General had no authority to legislate without the support of the Parliament, any more than the Parliament could make laws without the consent of the Governor-General.

This judgment of the Federal Court again created a constitutional crisis in Pakistan. To meet this crisis, the Governor-General issued another Order on April 15.

This Order of April 15 laid down that a Constituent Convention would meet at Murree on May 10, 1955, in order to validate the Laws and Acts which had lost their efficacy because of lack of consent by the Governor-General. The Constituent Convention was also intended to draw up the permanent Constitution of Pakistan.

According to the Governor-General's Order, the Convention was to consist of 60 members. Thirty of these were to be elected by the East Bengal Assembly. Twenty-three were to be elected by the Punjab, Sind and, N.W.F.P. Assemblies. The remaining 7 members, representing the Tribal Areas, Baluchistan, the Baluchistan States Union, the Frontier States, the Khairpur State, the Bahawalpur State, and Karachi, were to be nominated by the Governor-General. All Pakistani citizens over 21 years of age and of a sound mind, were to be eligible for membership in the Convention, which was to be elected by secret ballot. Unless dissolved earlier the Convention was to stand dissolved on the expiry of a period of six months from its first meeting.

On April 16, Mr. Muhammad Ali, the Prime Minister of Pakistan, announced that the election of the Constituent Convention would take place on April 30. As a result of a representation from the minorities, the Governor-General announced on April 21 that the elections would be by proportional representation, with a single transferable vote.

There was general apprehension that the Courts might rule against the legality of the Constituent Convention. Besides, it was obvious that

the machinery of the State had to be run on some legal basis until the Constituent Convention met, and in due course validated the necessary laws. In order to "avoid a possible break-down in the constitutional and administrative machinery of the country" during the interim period, the Governor General issued a proclamation on April 16 arrogating to himself the necessary powers to validate such invalidated laws as were needed, to preserve the State and to maintain the rule of law. At the same time he validated retrospectively the 35 laws mentioned in the Schedule of the Emergency Powers Ordinance of march 27, 1955. This validation was subject to a report of the Federal Court, to which a regular reference had been made.

In addition, the Governor-General took four other steps, as a precautionary measure, to guard against another break-down in the rule of law. Firstly, he assented to all the laws passed by the former Constituent Assembly, mentioned in the revalidating Ordinance. Secondly, he issued two further Ordinances: one validating all the Acts passed during the Section 92-A Rule in East Bengal, the Punjab, and Sind; and the other precluding the courts from questioning the validity of any Act passed by a Provincial Assembly, or an Order under such Acts, on the ground that the laws passed by the Constituent Assembly had not received the Governor-General's assent. Thirdly, on April 18, the Governor-General, under Section 223 of the Government of India Act, 1935, requested the Federal Court to advise on the following matters:—

(1) What are the powers and the responsibilities of the Governor-General in respect of the Government of the country, before the Constituent Assembly passes the necessary legislation?

(2) The Federal Court having held in Yusaf Patel's case that the laws listed in the Schedule of the Emergency Powers Ordinance of 27th March, 1955, cannot be validated under Section 42 of the Government of India Act, 1935, nor retrospective effect given to them (by Governor-General's Order alone), no legislature competent to validate such laws being in existence, is there any provision in the Constitution or any rule of law applicable to the situation by which—

(*a*) the Governor-General can by Order or otherwise declare that all the Orders made, decisions taken or other Acts done under those laws shall be valid or enforceable, and

(*b*) those laws which cannot without danger to the State be removed from the existing legal system, may be treated as part of the laws of the land until the question of their validation is determined by the new Constituent Convention.

Fourthly, the Governor-General requested the Federal Court for an interim Order, restraining all courts until the Federal Court's report was available on the reference made to it by the Government of Pakistan from taking any action on the ground that any law mentioned in the Schedule of the Emergency Powers Ordinance of March 27, 1955, was invalid.

The Federal Court granted the interim Order on the same day (April 18), but suggested that the Governor-General should also refer to the Federal Court for advice on the question of the legality of the dissolution of the first Constituent Assembly of Pakistan, and on the competence of the proposed Convention to exercise its powers. The Court's Order of April 18, 1955, stated:—

"The reference assumes that the Constituent Convention shall have the authority to validate the laws. But the correctness of this assumption may be challenged on the grounds that the Convention is an illegal and unauthorised body, because the Constituent Assembly was not legally dissolved. We consider that the basic question in the situation that has arisen is whether the Constituent Assembly was rightly dissolved by the Governor-General and whether the Constituent Convention has been rightly constituted to be the legislature of the Dominion. Until this basic question is determined, the position will remain uncertain and will give rise to litigation of every sort.

We, therefore, suggest that His Excellency should refer the following further questions for the opinion of this Court: (1) whether the Constituent Assembly was rightly dissolved by the Governor-General, and (2) whether the Constituent Convention proposed to be set up would be competent to exercise the powers of the Constituent Assembly under the Indian Independence Act. If these questions are not referred, the reference already made might have to be returned unanswered because of the futility of the replies, which must necessarily proceed on certain assumptions, the correctness of which may be called in question at any time, by anyone".

Accordingly, a second reference seeking the Court's advice on the points was filed on April 20. The hearing of the Governor-General's reference opened on April 25, before a full bench of the Federal Court. The hearing concluded on May 10, 1955. The same day, the Court held that the Governor-General had legal authority to dissolve the Constituent Assembly, to summon a new Assembly, and to validate laws retrospectively during the interim period, before the new Assembly met, but that the Governor-General had no authority to nominate any members to the new Assembly; that the correct name of the Constituent Convention was the Constituent Assembly; that the arrangements for the representation of the Tribal Areas could only be made by the Constituent Assembly, and not by the Governor-General; and that the Governor-General's duty was confined to bring into existence a representative legislative institution. He could nominate the electorate, but he could not nominate members to the Constituent Assembly.

After the Federal Court's ruling that the Constituent Convention must be called the Constituent Assembly, the Governor-General, Mr. Ghulam Muhammad, on April 27 issued an Order that the Constituent Convention should also function as a legislature. By the same order the total number of seats was increased to 80. East Bengal was given 40 seats (these included 9 seats for non-Mu lims); Punjab 21 (including one non-Muslim); Sind 5 (including one non-Muslim) N.W.F.P. 4; Tribal Areas 3; Bahawalpur 2; Baluchistan, Baluchistan States Union, the Frontier States, Khairpur State and Karachi—one each.

On June 21, 1955 the elections to the Constituent Assembly took place with the following results:—

> Muslim League 25. United Front 16. Awami League 13. Independents 4 (2 non-Muslims). Pakistan National Congress 4. Scheduled Caste 3. Noon Group Independents 3. United Progressive Party 2. Azad Pakistan Party 1. Communists 1.

Thus it was evident that no single political party had secured an absolute majority in the second Constituent Assembly of Pakistan. Any future ministry must be a coalition ministry.

Only 7 out of the 14 members of Mr. Muhammad Ali's Cabinet secured election to the second Constituent Assembly.

The new Assembly met for the first time at Murree on July 7, under the chairmanship of Mr. Gurmani, Governor of the Punjab, and Governor-designate of West Pakistan. After electing the chairman (Mr. Gurmani), adopting the rules of procedure, deciding the representation of States and Tribal Areas, and revalidating the laws, the Constituent Assembly adjourned on July 14 to meet at Karachi on August 8.

There were important developments in another direction during this period, as Mr. Muhammad Ali's reconstituted Cabinet after October 1954 set itself to resolve the fundamental issues because of which political differences in East and West Pakistan then existed. These were: (1) the distribution of powers between the Centre and the Provinces; (2) the quantum and character of the representatives units in the Federal Legislature (3) Provincial boundaries, and (4) the language question.

It was agreed that all constitutional issues must be decided by agreement, and not by a majority vote, in the prospective House, so as to remove the fear of the domination of one section of the country by another. Constitution-making by the previous Constituent Assembly had resulted in developments which threatened to imperil national unity. It had provoked personal, sectarian, and provincial rivalries and suspicion, and these the new Government declared itself out to curb.

Mr. Muhammad Ali in a broadcast on November 22, 1954 announced that his Government had decided to integrate the existing four provinces and 10 Princely States of West Pakistan into a single administrative unit. Pakistan would thus be a federal State consisting of two Provincial Units, West Pakistan with a population of three crores forty lakhs, and East Pakistan with a population of four crores forty lakhs.

A conference of Ministers of the Central Government, Provincial Governors, Chief Ministers, and Rulers of States was held on December 14 to endorse the decision about the integration of West Pakistan. A Council for the Administration of West Pakistan was set up by an Order of the Governor-General on December 17, 1954, and started its work the next day under the chairmanship of Mr. Gurmani, who was the Governor of the Punjab at the time. The Administrative Council was required to submit its report on the integration of West Pakistan into One Unit within three months. It finished its work ahead of time in early March, 1955.

On March 28, 1955 the Governor-General issued an Order laying down that the new province of West Pakistan should come into being as early as possible. The Order also invested the Council with powers to take the necessary steps to set up the administration of the new province.

In accordance with the Council's recommendation, the Order laid down that Lahore would become the capital of the province, whilst a suitable site would be developed in the Abbottabad area as a summer capital.

A further Order from the Governor-General of Pakistan, announced on April 4, 1955 that Mr. M. A. Gurmani and Dr. Khan Sahib, respectively, had been appointed the Governor and the Chief Minister of the new Province.

The session of the second Constituent Assembly at Murree will be long remembered not so much for the business transacted in the House, as for the intrigue that went on behind the scenes. Some 'secret documents' were exchanged between the participant leaders. In one of these documents the Muslim League party conceded what is now regarded by them as their most cherished principle. The Muslim League accepted joint electorate to win support of the United Front. In return the United Front accepted the principle of "parity" between East and West Pakistan.

Before the House reassembled at Karachi, other far-reaching developments took place.

On August 5, 1955 the Governor-General of Pakistan, Mr. Ghulam Muhammad, went on two months' leave because of his failing health. Major General Iskander Mirza was nominated as the Acting Governor-General during his absence. His officiating appointment was later confirmed.

On August 7, 1955 Ch. Muhammad Ali was elected Leader of the Muslim League Parliamentary Party in place of Mr. Muhammad Ali. This led to the resignation of Mr. Muhammad Ali as Prime Minister. According to the understanding at Murree, Mr. Suhrawardy would have become Prime Minister, but by the appointment of Ch. Muhammad Ali as Prime Minister, Mr. Suhrawardy felt let down for quite some time and regarded it as "breach of promise" on the part of the Muslim League.

Mr. Suhrawardy refused to enter the Cabinet as Deputy Prime Minister. Accordingly on August 11, 1955 a coalition of the United Front and the Muslim League was formed under the leadership of Ch. Muhammad Ali and the new Cabinet was sworn in the next day. One of the first tasks of the new Cabinet was to enact the One Unit Bill.

The Establishment of West Pakistan Bill was introduced in the Constituent Assembly on August 23. The Bill passed its third reading on September 30, by 43 votes to 13 and then received the Governor-General's assent on October 3.

Under an Order issued on October 5 by Major-General Iskander Mirza, the new Governor-General of Pakistan, the unified Province of West Pakistan came into being on October 14, 1955. The Governor of the the new province, Mr. Gurmani, an interim Cabinet of 7 members headed by Dr. Khan Sahib, and the Judges of the new High Court took the oath of office at Lahore on the same day. The Ministers who took oath to serve under Dr. Khan Sahib were: Mian Mumtaz Muhammad Khan Daultana, Sardar Bahadur Khan, Mr. Muhammad Ayyub Khurro, Sardar Abdul Hamid Dasti, Colonel Syed Abid Hussain, and Khan Qurban Ali Khan.

Ch. Muhammad Ali next addressed himself resolutely to the task of completing the constitution. Brisk progress was made in the next three months, and the constitution was enacted by the Constituent Assembly on February 23, 1956. It came into force on March 23. This task having been accomplished, a new era of stability should have started in Pakistan, but unfortunately this was not the case. The Muslim League leaders, who were active in the favourite pastime of intrigue and personal rivalries, tried to undermine the New West Pakistan Government as well as the Central Government, one after the other.

Indirect elections to the West Pakistan Legislative Assembly took place on January 19, 1956. The Muslim League decided not to issue any tickets for these provincial elections. Yet, after the elections had taken place, a Provincial Muslim League Assembly Party was formed. Active behind the scenes had been Mian Mumtaz Muhammad Khan Daultana. He had taken advantage of the failing health of Mr. Ghulam Muhammad successfully to intrigue against Mr. Suhrawardy's succession to Mr. Muhammad Ali. The Muslim Leaguers had not brought in Ch.

Muhammad Ali because they appreciated his talents, or his moral integrity, or his patriotism. Nor were they very much impressed with Ch. Muhammad Ali's performance in giving Pakistan its first permanent constitution, and completing the integration of West Pakistan, of which they had been talking for so long. They were motivated merely by the love of office, and all they were interested in was their personal return to power.

A large majority of the representatives of the smaller provinces and substantial public opinion in the former province of Punjab itself were not prepared to accept the integration of West Pakistan into one province, because they were afraid that integration would result in the domination of the other smaller provinces and States by the so-called Punjab leadership. They suspected the unscrupulous, callous, intriguing, and negative leadership of the Muslim League. More than any other person, they had developed antagonism to Mr. Daultana.

In order to make the smaller provinces of West Pakistan agree to the integration of the Provinces, Ch. Muhammad Ali had assured their representatives that Dr. Khan Sahib, who was universally revered as an elder statesman, and as a grand old patriot who had spent most of his life in the struggle for the liberation of the country, would be the first Chief Minister of the One Unit. Ch. Muhammad Ali had conveyed this assurance as the leader of the central Muslim League parliamentary party, and also as the Prime Minister of Pakistan. Mian Mumtaz Muhammad Khan Daultana and Sardar Bahadur Khan had not only confirmed these assurances of Ch. Muhammad Ali, but had actually accepted office under Dr. Khan Sahib in his first provincial Cabinet formed on October 14, 1955.

But Ch. Muhammad Ali had committed the mistake of his life when instead of following the Muslim League's tradition of subordinating the Muslim League's presidentship to the Prime Ministership of Pakistan, he for the first time after Partition separated the organizational from the parliamentary office. In a meeting of the Council of the Pakistan Muslim League, he arranged that Sardar Abdur Rab Nishtar should be elected President of the Pakistan Muslim League.

Mr. Daultana began humouring the Islamic inclinations of Sardar Abdur Rab Nishtar by giving him the impression that the constitution of the Islamic Republic of Pakistan, prepared under the supervision of

Ch. Muhammad Ali, was not sufficiently Islamic. Sardar Abdur Rab Nishtar fell into this trap and made public pronouncements to the effect that the constitution was not as Islamic as it could have been, or should be.

Mr. Daultana's next line of action was that he convinced Sardar Abdur Rab Nishtar as well as Ch. Muhammad Ali that the formation of a provincial Muslim League parliamentary party in West Pakistan was a necessity.

It was easy to convince both of them on this point. Ch. Muhammad Ali was made to believe that a Muslim League parliamentary party in the province would naturally strengthen the hands of the leader of the Muslim League parliamentary party at the centre. Sardar Abdur Rab Nishtar was prevailed upon because the new era of renaissance for the Muslim League which was to open up under his Presidentship, could not begin if the Muslim League did not form a parliamentary party in the only province in which it had the semblance of a majority.

As for the commitment to the smaller provinces by the Muslim League leaders about the appointment of Dr. Khan Sahib as the first Chief Minister of West Pakistan, Ch. Muhammad Ali was re-assured by Mr. Daultana and Sardar Bahadur Khan that there would be no technical difficulty about it, once the provincial Muslim League parliamentary party had been formed. The Muslim League party would simply agree to lend support to Dr. Khan Sahib as the Chief Minister. On the other hand, Sardar Abdur Rab Nishtar and the provincial lieutenants of Mr. Daultana were constantly fed on the expectation that Dr. Khan Sahib would be reduced to the status of a figure-head, once he was appointed to office with the support of a party whose membership he did not enjoy.

When the West Pakistan Muslim League parliamentary party met at Lahore on April 3, 1956, to elect its leader, there was a drama whose exact sequence is not clear up to this day. Sardar Abdur Rab Nishtar presided at the meeting. Sardar Bahadur Khan's name was proposed for the leadership of the party by two of the most reliable lieutenants of Mr. Daultana, Sardar Muhammad Zafarullah and Mr. Ahmad Saeed Kirmani. Mr. Daultana himself voted with those who opposed the election of Sardar Bahadur Khan. But later, he took up the position that he could not continue against the mandate of the party.

Whatever be the actual facts, the betrayal by Muslim League leaders of the undertakings given by them to their own central parliamentary party led to a storm of disgust and revulsion, which in due course culminated in the annihilation of the Muslim League majority, both at the centre as well as in the province.

There was still some hope that Ch. Muhammad Ali's influence in the meeting of the Pakistan Muslim League Working Committee which had been fixed for April 23, 1956 might yet prevail upon the Muslim League to stick to its pledge of honour. The dissenting Muslim Leaguers did not declare the formation of a new political party, until that date. However, in the meeting of the Working Committee the influence of Mr. Daultana prevailed, through his hold on Sardar Abdur Rab Nishtar.

The Working Committee decided that all those Muslim League members of Dr. Khan Sahib's new Cabinet who did not resign within a week, would be expelled from the organization. Only one Minister, Arbab Nur Muhammad Khan bowed his head to this threat. That was how I lost my membership in the Muslim League.

On April 23 Dr. Khan Sahib announced the formation of a new political party, the Pakistan Republican Party. At the same time the parliamentary wings of the new-born party were established in the Provincial Legislature, as well as in the Central Parliament.

Meanwhile, on May 20, 1956, the decisive trial of strength between the Republican Party and the Muslim League took place on the occasion of the election of the Speaker of the House. On May 31, the Budget was passed by a clear majority. At one stage of voting, when there was some confusion as to who had won, Mr. Daultana with some of his eminent colleagues staged a 'Bhangra' dance on the floor of the House, under the impression that his party had won. Ultimately it was established that they had lost. But the incident is instructive in as much as the 'Bhangra' dance is performed on the occasion of a harvest. Perhaps, it betrays the spirit of personal stake with which responsible Muslim Leaguers participate in public life.

After their defeat in the Provincial Assembly during the last week of May, 1956, the Muslim Leaguers now turned their attention to bringing organisational pressure on Ch. Muhammad Ali, the Prime

Minister of Pakistan, who was also a member of the Muslim League Working Committee, to dismiss Mr. Mushtaq Ahmad Gurmani, the Governor of West Pakistan, against whom the Muslim Leaguers' grievance was that he had not formed a Muslim League Ministry in the province in time, so that the Muslim League "majority" should not have "deserted" it.

The Muslim League Working Committee passed a resolution demanding the dismissal of Mr. Gurmani, and Ch. Muhammad Ali was called upon to carry out the mandate of the organization. Chaudhri Sahib contended that the organization of a political party had no authority to interfere in the day-to-day running of the administration by its parliamentary wing.

On August 27, 40 Republican and United Front members of Parliament (total membership 80) expressed confidence in the leadership of Ch. Muhammad Ali. However, two Muslim League Ministers, Mr. Chundrigar Minister for Law and Pir Ali Muhammad Rashidi Minister for Information, tendered their resignations, and all the ten Muslim League members of the coalition Party boycotted the meeting of the coalition party on August 27, on the plea that members of the newly formed Central Republican Parliamentary Party were "renegades" from the Muslim League, and as such they were not entitled to attend the meeting of the Muslim League—United Front coalition party. Two Muslim League members, Mr. Kiyani Minister for Communications and Sardar Amir Azam Khan Minister for Refugees resigned from the Muslim League on September 6 and joined the Republican Party. They described the Muslim League as a "cesspool of intrigues".

On September 8, 1956 Ch. Muhammad Ali resigned from the Prime Ministership of Pakistan, as well as from the membership of the Muslim League. In the course of his statement on the occasion he observed:—

> "I have come to this agonising decision after deep thought, and after a close study of the course of events in the country during the past few months."

Describing his relations with the leaders of the Muslim League, he observed that

> "Even so signal an achievement as the passing of the Constitution, for which the Muslim League may well have taken credit, drew largely adverse comments from its leadership".

On the advice of prominent Muslim League members he had announced in March that Dr. Khan Sahib should continue as Chief Minister of West Pakistan, yet in April these same leaders had refused to accept Dr. Khan Sahib as Chief Minister of the Province.

> "After the meeting on August 27", Mr. Muhammad Ali continued, "it had become increasingly clear to me that a section of the League leadership was determined to block all avenues of service that I could render to the country......I have suffered all this in silence, hoping that wiser counsels would prevail, but the campaign of vilification and slander against me has continued with unabated fury. At the meeting on August 27, the majority of the eoalition party members—an absolute majority in the National Assembly—expressed their confidence in me........ I consider it a point of honour that having decided to resign from the Muslim League, I must resign also from the Premiership".

> Mr. Muhammad Ali concluded: "It is my conviction that if democratic institutions are to be worked successfully, the leadership of the country must be vested in Parliament. In a parliamentary democracy it is the representatives of the people in Parliament who are primarily charged with the duty of managing the affairs of the country. If parliamentary leadership is continually subjected to the caprice of personal and power politics by elements external to it, democratic concepts and constitutional practices will have lost all their relevance".

With the resignation of Ch. Muhammad Ali a decade of Muslim League domination in the politics of the country and the Muslim League rule of Pakistan came to an end. It marked the termination of a political era by itself. After the exit of Ch. Muhammad Ali the Muslim League has been continuously deteriorating. Before we attend to the new political era in Pakistan, started by the Premiership of Mr. H. S. Suhrawardy, it is fitting that we should take a parting look at the factors which were the cause of the downfall of the Muslim League, and which even now do not permit it to rise once again.

Why does a human society create political power? Why does a community choose some of its members to be trusted with more authority and with more wealth than the remaining overwhelming majority? In

short, why is a State brought into existence? Why are statesmen and officials allowed to demand obedience and a proportion of his earnings in the form of taxes from the ordinary citizen?

The answer to all these questions is that Man is a social animal, whose individual needs are better provided for in an organized community than in isolated individual existence. An individual is loyal to his family, because this enables him to live at a higher level of existence. The numerous families in a nation are willing to sacrifice their members for the sake of the State, because the survival of the State gives them better protection. Thus the creation of public offices and public influence is a means to an end. The end is the welfare of the common people.

All this sounds like the repetition of platitudes. It is too obvious to need any mention. But the Muslim leaguers appear completely to have forgotten this foundation on which the career of a political party is built. They seem to have developed an incurable illusion that the political parties are analogous to that sort of commercial corporation, which is run merely for the benefit of its permanent directors. In this case the directors were prepared to sacrifice everything for the sake of the gains of office.

We find that the Muslim League betrayed Khwaja Nazimuddin, and accepted Mr. Muhammad Ali as their Leader merely to win favour with the Governor-General, because otherwise they would have lost office. Again, when the Governor-General dissolved the first Constituent Assembly of Pakistan, although the Constitent Assembly consisted of a majority of Muslim Leaguers, yet the Pakistan Muslim League President continued to be the Prime Minister in the "All Talents Cabinet", because if he had defended his colleagues, there was danger of his losing office.

On the creation of the second Constituent Assembly of Pakistan, although the United Front had defeated the Muslim League in East Pakistan, although the election manifestoes of the Muslim League and the United Front were diametrically opposed, nevertheless the Muslim League entered into a coalition with the United Front merely to stick to office. In fact, Ch. Muhammad Ali, who was the leader of the Muslim League parliamentary party, entered into an agreement with the United Front leaders, in which the joint electorate was expressly accepted in return for the concession of provincial parity. Now-a-days the Muslim

League has made a fetish of the Two-Nation theory and the principle of separate electorates, but after the Murree session, it had no hesitation in sacrificing both the theory and the principle for the sake of retaining office.

In West Pakistan although the Muslim League had given solemn pledges to the representatives of the smaller provinces to make Dr. Khan Sahib the first Chief Minister, the greed for office was so strong in their hearts that they violated even the pledged word of their leader in an attempt to grab the Chief Ministership. It is beside the point that in the attempt they also lost their ministerial jobs. It was the same love of office which at one stage compelled Mr. Daultana to extend his support to the anti-Qadiani movement, and at another time to denounce it as an agitation of the enemies of Pakistan. It was the same crazy hunger for office, which led him to violate solemn agreements caligraphed on the pages of the Holy Quran.

When a majority of office-hungry Muslim Leaguers lost their jobs after the creation of the Republican Party in April 1956, due to their own miscalculations, it was the same blind desire for office, which inspired them to bring about the downfall of Chaudhri Muhammad Ali, in the hope that by this device they might injure the Republican Party.

After their expulsion from power in East Pakistan, in West Pakistan, as well as at the Centre it was the burning desire for office which led the Muslim Leaguers to enter into an agreement with the National Awami Party for the undoing of the One Unit, in the hope that if they could break the Republican Provincial Ministry by this device, perhaps the way might be opened for them to return to their ministerial chairs. When they were disappointed even in this attempt, they went back on the written agreement of the Leader of the West Pakistan Muslim League Parliamentary Party and the General Secretary of the Pakistan Muslim League with the National Awami Party, and the Muslim League Council at Dacca passed a resolution in support of the integration of West Pakistan.

When the Muslim Leaguers had lost hope of returning to office, the Pakistan Muslim League Working Committee passed a resolution, threatening civil disobedience, and internal commotion if elections were not held very soon. After sometime the Muslim Leaguers realised that there was not much hope of their victory even after the General Elections. Therefore,

Chaudhry Khaliq-uz-Zaman and others started a campaign against the holding of General Elections. Chaudhry Khaliq-uz-Zaman said that the heavens would not fall if elections were not held. If there were no hope for the Muslim League to win, he had no objection if the elections were postponed till doomsday.

The Muslim League leaders were the worst offenders in their campaign of invectives against the Head of the State. It was repeatedly pointed out to them that in democratic countries the Head of the State was kept out of political controversies. But they never listened. The reason was that they had somehow got the idea that it was the Head of the State who was not helping them into office. Therefore they concentrated all their efforts on getting access to the Head of the State. Naturally the Head of the State has to listen to the representations of all the political parties in the country. Later, the Muslim League leadership started running in reverse gear. They were creating nonsensical rumours that the Head of the State was keen to bring back the Muslim League into power because he had been convinced that they were the only true patriots left in Pakistan.

It is to be confessed that all political parties are founded by politicians who desire power. No politician is an angel. All are human beings. Therefore all have defects, faults, and failings. But like rational human beings, politicians and political parties realise that they can win office only by securing popular support. Popular support can only be won by conforming to policies of popular welfare. Therefore even from the point of view of the limited desire to get into office, every political party has to build up some sort of popular support, by advocating certain generally acceptable, lasting and concrete political principles.

The Muslim League is the only political party which has demonstrated by its behaviour during the last ten years, that in its view, political principles have no significance other than as stepping stones to office. The electorate issue may or may not be vital to the political, economic and social development of Pakistan. It is a method, not an end in itself. But this much is clear from the story of the Muslim League's behaviour during the last ten years, that the Muslim League does not respect the principle of separate electorates, either as a means or as an end. Its only abiding object is office, and office at any cost.

It is quite clear that the Muslim League is not sincere in its professed love for separate elctorates. If the Muslim League considers that separate electorates are a necessary safeguard for the preservation of the Pakistani nation, why did the Muslim League after the Murree session enter into an agreement with the United Front leaders to accept the joint electorate in return for provincial parity? Why did Mr. Daultana at the Dacca session of Parliament in October, 1956, admit that he had at one time supported joint electorate? Why do the Muslim Leaguers still insist that they demand separate electorates, not because they consider it enecessary as a part of the religious teaching of Islam, but only because they are of the view that it follows from the "fundamental national ideology of Pakistan"?

If separate electorates are not an article of faith in Islam, what is this fundamental ideology? The only fundamental ideology of which Pakistanis are aware, and to which we all give our unconditional loyalty, is Islam. If the Muslim League makes a distinction between the fundamental ideology of Islam, and that of Pakistan, why does it call itself the Muslim League? Perhaps even the words "Muslim" and "Islam" have no connotation, or any common denotation either, for Muslim Leaguers, except as convenient instruments for winning elections and grabbing ministerial offices.

Reverting to the survey of the political developments in East Pakistan, we have already narrated the events leading to the induction into office of the Chief Minister, Mr. Abu Hussain Sarkar, on June 6, 1955.

The Prime Minister of Pakistan, Mr. Muhammad Ali, had announced that ordinarily Maulvi Fazlul Haq as Leader of the United Front, which commanded a majority in the Provincial Assembly, would have been called upon to form a Ministry, but in view of the problems facing the country in connection with the elections to the Constituent Assembly, Maulvi Fazlul Haq had decided to delegate this privilege to a nominee, "keeping himself free to devote all his time and energies to questions of momentous consequences to the country". On August 11, 1955 Maulvi Fazlul Haq was sworn in as Interor Minister, under Ch. Muhammad Ali as Prime Minister, in the coalition cabinet of the United Front with the Muslim League. On March 5, 1956, Maulvi Fazlul Haq, at that time Pakistan Minister for the Interior, was appointed Governor of East Pakistan in succession to Mr. Amiruddin.

In August, 1955 East Pakistan was devastated by unprecedented floods. There was great damage to standing crops. Transport was disrupted. A serious shortage of rice developed in the autumn as stocks of the last crop ran out. The situation was aggravated by widespread hoarding by dealers. The Provincial Government introduced "modified family rationing" in Dacca, and opened government shops to sell rice at a fair price. On February 28, 1956 the Government decided to introduce full scale rationing in Dacca and fifteen other towns, and to import the rice from West Pakistan, Burma, Ceylon, and Indonesia. On March 31, 1956 a gift of rice from the U.S.A. was announced; the Soviet Government gave 16,500 tons and U.N.I.C.E.F. gave 3,567 tons for distribution to women and children. In addition, the U.S.A. sent 105,000 tons of rice to Pakistan against payment in rupees. Maulvi Fazlul Haq, the Governor of East Pakistan, on June 30, 1956 declared in a broadcast that the food shortage has assumed "alarming proportions unparalleled in the history of East Pakistan for many years". He also announced that the Army would take over responsibility for the planning and control of food distribution from July 11, 1956.

The Sarkar Ministry had not faced the House at all since taking office. The misery of the people consequent upon the floods had its expression in dissatisfaction against the Sarkar Ministry. The unrest was widespread.

The first meeting of the Provincial Assembly after the formation of the Sarkar Cabinet in June, 1955, was convened on May 22, 1956, to approve the Budget before the statutory limit of May 31, 1956. The Speaker, Mr. Abdul Hakim, refused to allow Mr. Sarkar to present the Budget, after a heated debate lasting seven hours. The Speaker took the stand that the Ministry could have summoned the Assembly much earlier, but now only six days were left for Budget discussion before the statutory date when the Budget must be passed. In his opinion this amounted to an infringement of rules, by the Ministry. Therefore, he adjourned the Assembly 'sine die'.

The President of Pakistan suspended the Constitution in East Pakistan for five days. The proclamation was revoked on June 1, 1956 re-instating Mr. Sarkar's Ministry in East Pakistan.

On August 13, 1956, four hours before Mr. Sarkar was to face the Provincial Assembly for the second time, the Governor prorogued it on Mr. Sarkar's advice. Chaudhri Muhammad Ali, Prime Minister of Pakis-

tan, immediately declared that the Assembly had not been prorogued with the approval, or even knowledge, of the Central Government. He stated that the Government had been informed of the prorogation only after it had taken place. The Central Government had, therefore, counselled the Chief Minister of East Pakistan to advise the Governor that the Assembly must be summoned to meet before August 31, 1956 to ascertain whether he enjoyed the confidence of the majority of its members.

The United Front provincial parliamentary Party after a discussion lasting three days decided on August 29, 1956 to advise the Sarkar Ministry to resign. The resignation was submitted the next day. The President provisionally suspended the Constitution in the Province for the second time.

On September 4, 1956 Maulvi Fazlul Haq, the Governor of East Pakistan, called upon Mr. Ata-ur-Rahman Khan, Leader of the East Pakistan Awami League, to form a new Ministry. The President's rule thus ended on September 6, when the new Cabinet took office.

One of the factors which hastened the end of the Sarkar Ministry was the difficult food situation. As we have earlier noted, the distribution of food had been handed over to the Army. The Army had cancelled 250,000 forged ration-cards, and seized large quantities of hoarded grains. But due to the pressure of its political supporters, the United Front Parliamentary Party compelled the Cabinet to transfer food control to the civil authorities on August 12, 1956. This announcement gave rise to widespread anxiety.

From the foregoing account of events in East Pakistan, it is evident that the internal crisis in the central Muslim League parliamentary party had coincided with a grave food shortage in East Pakistan, and the rising tide of dissatisfaction with the Sarkar Ministry. The Sarkar Ministry resigned on August 30, 1956. The Provincial Awami League Ministry was sworn in on September 6, 1956. Mr. Suhrawardy, who had returned to Karachi from Dacca in the same aeroplane with the President of Pakistan, was invited to form a Cabinet at the Centre on September 10, 1956.

The new Central Ministry, which was sworn in on September 12, 1956 was put to a severe strain from the beginning as a result of sharp division of opinion between East and West Pakistan over the electorate issue.

The West Pakistan Provincial Assembly on August 4, 1956 had passed a resolution in favour of separate electorates by 122 to 10 votes, after a 4-hour debate. The resolution was supported by the Republican Party and the Muslim League. The East Pakistan Assembly on October 1, passed a resolution recommending joint electorate by 109 to one vote, with 84 opposition members abstaining. The consequent Cabinet crisis at the Centre was only averted by a compromise at a meeting of Government supporters in the National Assembly at Dacca on October 9, 1956. The compromise was that East Pakistan should have joint electorate, while West Pakistan should have separate electorates. Like all compromises, this compromise solution had its own defects. But the Republican Party agreed to this formula because as a democratic party it could not deny the right of the East Pakistan Assembly to decide what electoral system it considered best for its province. Moreover, the minority problem exists only in East Pakistan, and the Republican Party, which draws its main strength from West Pakistan, where the number of the minority is negligible, could not with reason insist on imposing the decision of the West Pakistan Assembly in the face of public opinion in East Pakistan.

Mr. Suhrawardy who was now the Prime Minister of Pakistan, while speaking in Parliament on the Electorate Bill on October 10, pointed out that although the Constitution did not require Parliament to endorse the views of the provincial assemblies, Parliament would not over-ride the views of the bodies which formed its own electorate. The Bill, therefore, endorsed the views of the two provincial legislatures, within their respective territorial jurisdictions.

Mr. Suhrawardy continued:—

> "Although separate electorates had formed the cardinal creed of the Muslims of undivided India, it had not, however, been based on the Two-Nation theory as such—it had been a device to secure proper representation for the Muslim minority in the Legislatures. It had never been meant to be a device to safeguard the interest of a majority population.
>
> "The Two-Nation Theory was advanced by the Muslims as a justification for the partition of India, and the creation of a State made up of geographically contiguous units, where the Muslims were in numerically majority. Once that State was created, the Two-

Nation theory lost its force even for the Muslims. If it is still persisted in, it will logically lead to the partition of Pakistan and the creation of a State made up of contiguous areas where non-Muslims are in a majority—a contingency from which every Pakistani must recoil with horror. The Muslims who were a nationality in undivided India, are now citizens in their own country, Pakistan, in which every citizen whatever his religion, is a member of the Pakistani nation........

"Circumstances thus have changed, and so must our political outlook change with the establishment of Pakistan. Today, we do not want to develop fissiparous tendencies within the country, but must create a single nation.

"I therefore, advocate joint electorate, because this will help in welding all the people together into one great Pakistani Nation ...., and in destroying the seeds of suspicion, distrust, and hatred between citizens professing different religions......

"I want our citizens to have only one ideal---namely, service to Pakistan, each according to his own religious convictions, but all united in advancing the stability, integrity, and glory of Pakistan".

Rejecting the view that the joint electorate was un-Islamic, Mr. Suhrawardy pointed out that all Muslims of other countries had such electorates. Ridiculing the argument that under such a system the Hindus will dominate the Muslims, capture all the seats, corrupt the Muslims, and so on, he pointed out that in the districts of East Pakistan with large Hindu minorities, the number of Muslims on Local Government bodies returned by joint electorate was in fact disproportionately large.

"joint electorate, if it does any harm at all in the matter of representation, will harm the Hindus. I deliberately use the word 'in the matter of representation', for I think they will gain otherwise from the point of view of creating identity of interests, and a sense of common endeavour, in a common cause, for a common country, which is so vital to a minority community for its safety, dignity and future progress".

After an all-night session, the Bill was passed on October 12 by 48 votes to 19. The Republicans and the Awami League voted in favour. The Muslim League and the United Front opposed. The Bill received the President's assent on October 30, 1956.

Three important developments took place at the end of the year 1956 and in the beginning of 1957, which induced the Republican Party to revise in April, 1957, its earlier decision accepting different systems of electorates in the two wings of Pakistan.

Firstly, on December 10, 1956, bye-elections were held in seven Provincial Constituencies of East Pakistan with the following results:—

Name of Constituency	Total No. of votes on Electoral Roll	No. of votes polled	Name of Candidate and Political Party	Votes secured
Munshiganj Central Muslim.	61,267	18,165	(*i*) Abdul Baraque (Independent). ..	150
			(*ii*) M. Basha Mia (Awami League) ..	11,199 (won)
			(*iii*) Abdul Hamim ..	6,815
			(*iii*) Abdul Hamim Vikram-puri. (Muslim League)	6,815
Shola North-West Mus-	57,988	14,515	(*i*) Muhammad Younus Advocate. (Awami League)	4,564
			(*ii*) Matior Rahman Shah (Nizam-i-Islam). ..	9,949 (won).
North Sylhet Central West Muslim.	71,603	18,977	(*i*) Habibur Rahman (Awami League) ..	13,545 (won)
			(*ii*) Abdur Rashid (Muslim League) ..	4,467
			(*iii*) Abdul Barri (Awami League) ..	965
Brahman Baria South-East Muslim.	63,308	20,653	(*i*) Abdul Gani Munshi (Awami League) ..	13,534 (won)
			(*ii*) Shafiqur Rahman (Muslim League) ..	5,024
			(*iii*) Nurul Islam Bhiua (Independent). ..	2,095

Lahore.

20.3.57.

<u>Top Secret & Personal.</u>

My dear Sayyed,

The Muslim League Assembly Party will support the Resolution against the One Unit, discussions on which will be resumed on the 25th. of March or any other date, in the Legislature.

Yours sincerely,

Sardar Bahadur Khan

(Sardar Bahadur Khan)

Name of Constituency	Total No. of votes on Electral Roll	No. of votes polled	Name of Candidate and Political Party	Votes secured
Perojpur North-East Muslim.	64,592	11,592	(*i*) Hasham Ali Khan (Muslim League) ..	5,149
			(*ii*) Joynal Abdin (Awami League) ..	6,436 (won)
Perojpur West Muslim	55,289	11,981	(*i*) Aftabuddin Ahmad ..	136
			(*ii*) Mohtadar Sheikh (Independent) ..	2,000
			(*iii*) Syed Muhammad Afzal (Muslim League)	3,296
			(*iv*) Nooruddin Ahmad (Awami League). ..	8,348 (won)
Satkhira South Scheduked Caste.	49,944	5,593	(*i*) Jagadish Ch. Mandal (Congress). ..	3,014 (won)
			(*ii*) Katric Ch' Sarkar ..	115
			(*iii*) Profullaya Kumar Swaraskar. (Independent)	48
			(*iv*) Sital Proshad Roy (Independent) ..	2,416

The Jamaat-i-Islami, the Muslim League, and other supporters of separate electorates had been insisting, ever since the resolution of the East Pakistan Provincial Assembly in favour of separate electorates in October 1956, that the Assembly vote did not represent the popular opinion. They objected that the 1954 elections had not been held on the issue of the electorate. They said it was too fundamental an issue to be decided by a mere parliamentary majority. But the issue in these bye-elections was squarely put to the voters as the electorate issue. Therefore, the results, as quoted above, left no doubt in the minds of the Republicans about the mandate of East Pakistan on the electorate question.

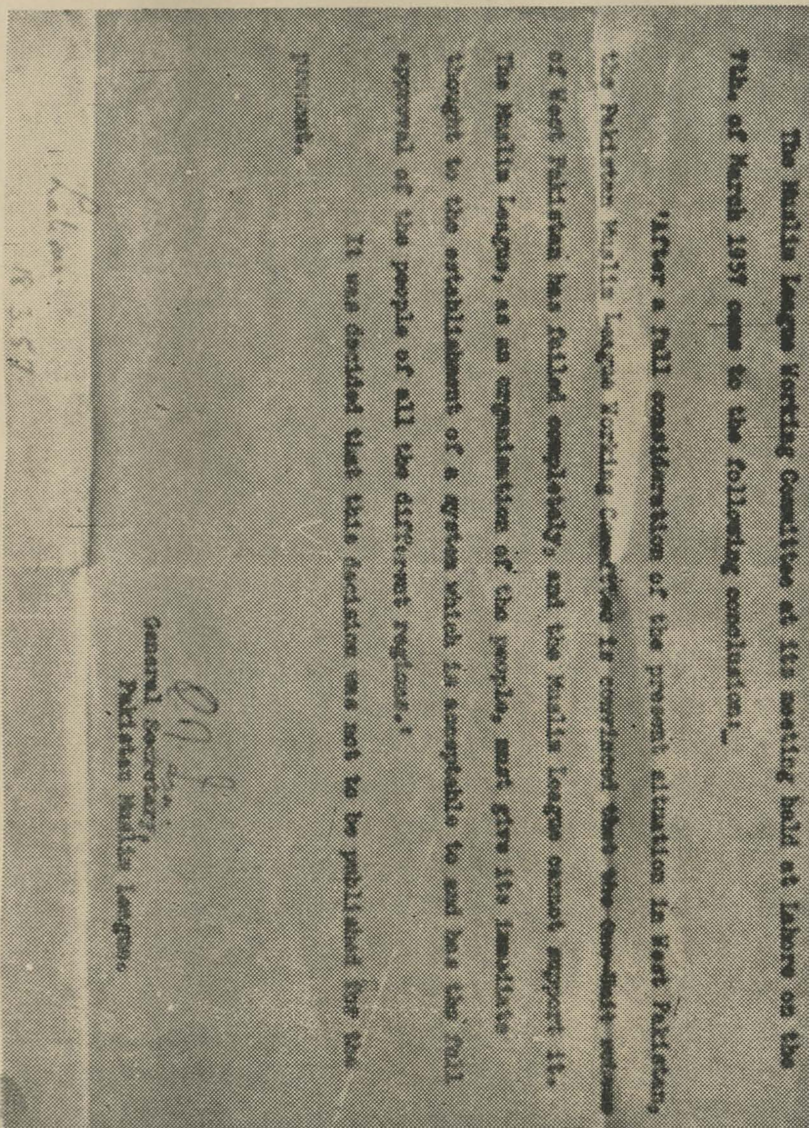
This impression of the 1956 bye-elections was confirmed by the results of two more bye-elections held on March 25, 1957, which were as follows:—

Name of Constituency	Total No. of votes on Electoral Roll	No. of votes polled	Name of Candidate and Political Party	Votes secured
North Sylhet Muslim ..	70‘200	18,159	(*i*) Abdus Salam (Muslim League) ..	5,513
			(*ii*) Foyzul Hasan (Independent) ..	8,341 (won)
			(*iii*) Habibur Rahman (Awami League). ..	4,305
Noakhali Sadar Central	76,203	17,641	(*i*) Abdul Malek (Awami League) ..	9,720 (won)
			(*ii*) Bazlur Rahman (Independent). ..	148
			(*iii*) Muhammad Maswood Mukteer. (Muslim League)	7,773

The second development which widened the gulf between the Republican Party and the Muslim League, was the latter's keenness and anxiety to enter into an agreement with the National Awami Party to break the One Unit in West Pakistan. On March 18, 1957, Qazi Isa, the General Secretary of the Muslim League, conveyed to Mr. G. M. Syed in writing (photographic reproduction opposite to page 69) that the Working Committee of the Pakistan Muslim League had decided to undo the One Unit. On March 20, Mr. Sardar Bahadur Khan, the Leader of the West Pakistan Muslim League parliamentary party, gave an assurance in writing (photo reproduction opposite to page 70) that his party would support the dismemberment of West Pakistan.

If the Muslim League could accept the alliance with the National Awami Party to undo the integration of West Pakistan, which it had all along exhibited as one of the most important achievements of the last Muslim League Ministry of Pakistan, in its effort towards the consolidation of the country, then it was evident that the Muslim League's avowed loyalty to separate electorates was also inspired by ulterior motives of power politics.

LEAGUE BETRAYAL OF ONE-UNIT
18 March 1957



The Muslim League Working Committee at its meeting held at Lahore on the 7th. of March 1957 came to the following conclusion:,

'After a full consideration of the present situation in West Pakistan, the Pakistan Muslim League Working Committee is convinced that the One-Unit scheme of West Pakistan has failed completely, and the Muslim League cannot support it. The Muslim League, as an organization of the people, must give its immediate thought to the establishment of a system which is acceptable to and has the full approval of the people of all the different regions.'

It was decided that this decision was not to be published for the present.

General Secretary,
Pakistan Muslim League.

The third influence which strengthened the Republican Party's inclination towards the joint electorate, was that the Awami League had demonstrated the sincerity of its political stand by endorsing Mr. Suhrawardy's foreign policy, which in fact was the policy of the Republican Foreign Minister, Malik Firoz Khan Noon; and this was done at a grave risk to the organizational solidarity of the Awami League. It showed that ministerial offices were not the primary motive with those who supported the joint electorate. If the Awami League could risk a schism in its ranks for the sake of strengthening the hands of its leader, it was obvious that it was supporting the joint electorate because of its honest convictions and not because of any bargaining spirit.

Differences between the parliamentary and the organizational wings of the Awami League had come into the open even at the end of 1956, when its President, Maulana Bhashani, gave wholehearted support to Egypt's Colonel Nasser, while Mr. Suhrawardy, the Prime Minister, held Egypt and the Western powers equally responsible for the closing of the Suez Canal. Maulana Bhashani also repeatedly referred to an organizational decision on February 7 and 8, against military pacts, including the Baghdad Pact, while Mr. Suhrawardy and Mr. Ata-ur Rahman Khan, the Provincial Chief Minister, denied that any such decision had been taken.

Maulana Bhashani resigned from the presidentship on March 21, 1957. On March 31, 1957 nine members of the Awami League Working Committee resigned, after the Organizing Secretary of the League, Mr. Oli Ahad, had been suspended by the majority of the Working Committee for publishing a pamphlet condemning the military pacts.

Ultimately, the controversy was decided in a meeting of the Awami League Council on June 30, 1957 when Mr. Suhrawardy's foreign policy was endorsed by 700 to 40 votes. The Working Committee's decision to expel Mr. Oli Ahad for three years, was also endorsed by the Council. Thereafter Maulana Bhashani resigned from the Awami League and in a convention held on July 25-26, 1957, formed the National Awami Party with himself as its Convener-President.

The decision to have two different systems of electorates in the two wings of Pakistan was severely criticised all over the country, especially in West Pakistan. As a result, the Republican Party, which did not

consider the electorate issue, in itself, a major question of policy, but held the view that the electorate issue should be decided in accordance with the opinion of East Pakistan, where the bulk of the minority population lives, decided to have a uniform electoral system all over Pakistan.

Accordingly, on April 22, 1957 the Electorate Amendment Bill was presented before Parliament to have a uniform electoral system all over Pakistan.

Speaking on the occasion, Mr. Suhrawardy as Prime Minister of Pakistan declared that there was no justification for having two systems of electorates in the two provinces of Pakistan. The introduction of a uniform system for the whole country would help to create unity, and cohesion. He denied that the system of electorates was fundamental to Islam.

A motion to circulate the Bill for eliciting public opinion was rejected by 36 to 14 votes. The Bill was passed on April 24, 1957 by a voice vote. It received the President's assent on April 30.

Meanwhile, during the Budget Session of the West Pakistan Assembly on March 19, 1957 the Republican Ministry had received a vote of confidence by 164 votes in a House of 305 members. But on March 20 the Muslim League created a crisis by deciding to support a resolution for the breaking up of West Pakistan into fully autonomous provinces. It was well-known that some members of the Republican Party from the smaller provinces were very keen to finish the One Unit. Therefore, the Republican Ministry decided to advise the Governor to prorogue the Assembly, dissolve the House, and hold fresh elections.

Mr. Mushtaq Ahmad Gurmani, who was the Governor of West Pakistan at that time, instead of acting on the advice to dissolve the Provincial Assembly, advised the President to impose the Governor's Rule in the Province. This was done on March 21, 1957. On April 13, 1957 the Parliament by 47 votes to 21 approved the President's action. The Parliament then extended the President's rule in West Pakistan for another 4 months, i.e. till September 30, 1957. In order to demonstrate their party strength, the Republican Provincial Parliamentary Party met at Lahore on July 2, 1957. One hundred and forty-eight members were present, while another eighteen pledged support to it in writing. This led to the

restoration of the Republican Ministry, under its new Parliamentary leader Sardar Abdur Rashid, whom Dr. Khan Sahib had nominated as his successor. The Governor's rule in the province was terminated, and the New Republican Ministry was completed by July 17, 1957.

The relations between Dr. Khan Sahib and the Governor of West Pakistan, which had been ruptured in the period of the suspension of the Ministry, were again put to some strain with the return of the Republican Ministry. Full confidence in the Governor was lacking. The Republican members of the Central Cabinet, therefore, urged Mr. Suhrawardy on August 27, to recall Mr. Gurmani. As a result, Mr. Akhtar Hussain, an experienced civilian, and at that time Secretary of Defence, was appointed Governor of West Pakistan on August 28, 1957.

When the Republicans realised that the Muslim Leaguers were taking undue advantage of the discontent among the representatives of the smaller provinces, they decided to take the initiative to defeat the designs of the Muslim Leaguers.

Accordingly, an agreement was signed on September 15, 1957 between the Republican Party and the National Awami Party in West Pakistan pledging support in the West Pakistan Assembly as well as in Parliament, for a resolution which would call for administrative re-organization in West Pakistan by setting up "a zonal federation composed of autonomous provinces", on a linguistic and cultural basis. The signatories to the agreement included Sardar Abdur Rashid, the Chief Minister, Malik Feroz Khan Noon, Leader of the Central Parliamentary Party, Mian Iftikharuddin, Mr. G. M. Syed Leader of the National Awami Party, and Khan Abdul Ghaffar Khan. Two days later the following resolution moved by Mr. G. M. Bhurguri was carried in the West Pakistan Legislative Assembly:—

> "This Assembly recommends to the Provincial Government to communicate the views of this Assembly to the Parliament that the Province of West Pakistan be re-constituted as a sub-Federation with four or more fully autonomous Provinces".

The resolution was passed by 170 to 4 votes, with 121 abstentions, out of a House of 305 (with 5 seats vacant). The Muslim League

Parliamentary Party did not participate either in the debate on the resolution or in the voting. The Muslim Leaguers created a hue and cry, conveniently forgetting that it was they who had initiated the move for the dis-establishment of the One Unit. In fact the Republican Party had contemplated certain alternative arrangements to improve the integration of West Pakistan, but the Muslim League was talking of "autonomous province", without any outline of a substitute zonal Sub-federation.

The President of Pakistan issued a statement on September 23, 1957 declaring :

> "The recent recommendatory resolution passed by the West Pakistan Assembly regarding the reconstitution of the province of West Pakistan has caused considerable apprehensions among the people and the official classes.
>
> "The Prime Minister (Mr. Suhrawardy) and I have consulted together on the problems raised by it, and we are of the view that there should be no tempering with the Constitution on such issues at the present juncture.
>
> "The integrity of Pakistan can only be maintained if we have stability, and we can have stability only if we have General Elections. General Elections must, therefore, be held in 1958, and as a corollary to this, these Elections must be held under the present Constitution".

Mr. H. S. Suhrawardy in a broadcast the same night said that any dismemberment of the One Unit would entail radical changes in the administrative and legislative organs of West Pakistan and in various other spheres, which would make it impossible to hold General Elections in 1958, "perhaps not until 1960". The elections should, however, be held as early as possible in 1958, as this alone can "eliminate political manoeuvrings and black-mailing and tussling for power".

The Prime Minister claimed that in spite of deficiencies, One Unit had created "a greater degree of psychological freedom and a greater sense of one-ness and mutual reliance in the cause of the maintenances of the country's integrity and stability". Any retardation of this process might well lead to the disintegration of Pakistan, would weaken the sense

DAULTANA—SUHRAWARDY PACT

Secret.

In the event of the Republican Party withdrawing its support from the Prime Minister Mr H. S. Suhrawardi and his Government in the National Assembly, I wish to categorically assure him that the Muslim League Parliamentary Party in the National Assembly will give him full support and stand behind his Government.

It is understood that this assurance is to be made public or communicated to others only in case of the withdrawal of Republican Party's support from Mr. Suhrawardi.

Mumtaz Daultana
M.P.

of unity and patriotism, and would also upset the understanding and agreement between West Pakistan and East Pakistan.

> "I maintain that the future of West Pakistan, and indeed the fate of Pakistan, must be decided by the chosen representatives of the people, and not be at the mercy of political manoeuvrings and political ambitions and unholy alliances. There should be no amendment in the Constitution in such radical times, until the General Elections, after which the new legislature may make what amendments it considers requisite ".

After the Muslim League's defeat in the autumn Session of the Provincial Assembly in 1957, there were large defections from its parliamentary supporters to the Republican Party. So much so, that old Republican members had to protest against the influx of the Muslim Leaguers who were keen to join the Republican Parliamentary Party.

When Mr. Daultana realized that he had lost the game, he immediately changed his tactics, and approached Mr. Suhrawardy with the proposal that if Mr. Suhrawardy should come out in the open, condemning the Republican plan for the improvement and re-organization of the West Pakistan Administration, and as a result the Republicans should withdraw support from Mr. Suhrawardy's Ministry, then the Muslim League Central parliamentary party would extend its unconditional support to Mr. Suhrawardy, as the Prime Minister of Pakistan. Mr. Daultana also succeeded in convincing Mr. Suhrawardy that in such a contingency a large number of Republican would quit the Republican Party and join either the Muslim League or the Awami League. A photo Copy of Mr. Daultana s secret letter embodying the Pact is reproduced opposite to page 75.

Mr. Suhrawardy is a shrewd politician, but Mr. Daultana succeeded in hoodwinking him. Soon after the autumn session of the West Pakistan Assembly in 1957, Mr. H. S. Suhrawardy started a whirlwind tour of West Pakistan, in a tearing campaign against the Republican Party. In a series of speeches at Lahore, Peshawar, Abbottabad, Rawalpindi, Multan, and other places, he used strong language against the Republican Party.

Naturally, the Republican Party as a majority partner in the central coalition could not take such a challenge lying down. On October 10,

1957, the Central Republican Parliamentary Party withdrew its support from the Suhrawardy Cabinet. As a result Mr. Suhrawardy was compelled to submit his resignation on October 12 1957.

The Republican Party as the largest single party in Parliament could form a Cabinet of its own with the help of some splinter parliamentary groups. But in the interest of democracy, the Republican Party had a keen desire to form a broad-based interim Cabinet, which should enjoy the largest public support, until the General Elections were held. Therefore on October 17 the Republican Party formed a coalition with the Muslim League parliamentary party, and elected Mr. I. I. Chundrigar as leader of the coalition. The new Ministry was also supported by the Krishak Sramik Party and the Nizam-i-Islam. As soon as the Muslim League got into the cabinet, Mr. Daultana forgot his pact with Mr. Suhrawardy, and immediately issued a stinging press statement against Mr. Suhrawardy.

On October 17 Mr. Chundrigar announced that the two principal points in his Government's domestic programme would be (*a*) the replacement of the present system of joint electorate by separate electorates; (*b*) the maintenance of the present Constitution, together with its provisions about the integration of West Pakistan into One Province, until after the General Elections.

The very next day Dr. Khan Sahib in a Press statement from Karachi corrected Mr. Chundrigar to say that the republican Party had agreed to separate electorates only in case East Pakistan public opinion changed its views on the subject. Some days later Nawab Muzaffar Ali Khan Qizilbash in a speech at a Lahore reception confirmed Dr. Khan Sahib's earlier explanation of the Republican Party's stand regarding the electorate issue.

Although in Parliament the Muslim League party had about half the strength of the Republican Party, and the Republican Party had accepted a Muslim League Prime Minister as a measure of accommodation; the Muslim League did not appreciate this large-heartedness of the Republican Party. Instead, Muslim Leaguers started spreading rumours that the Republican Party would be compelled to seek a coalition with the Muslim League, and share power in the West Pakistan Cabinet, as well. Secondly, the Muslim Leaguers completely ignored the Republican

Party's condition for the acceptance of separate electorates, that the change would only be accepted if East Pakistan public opinion supported it. Thirdly, the moment Muslim Leaguers were inducted into ministerial offices, they returned to their old game of monopolistic politics by starting a propaganda campaign that until the General Elections only two political parties, the Muslim League and the National Awami Party, would be left in the field. Naturally, these self-conceited and inflated pronouncements annoyed both the Republican Party and the Awami League, and brought the two nearer once again.

On November 19, 1957 the Pakistan Republican Organizing Committee met at Lahore, and adopted three important resolutions: (*i*) that the Bill restoring separate electorates should not be introduced in Parliament on Novenber 28 as planned by Mr. Chundrigar ; (*ii*) that the Government should not do anything that might delay General Elections beyond November, 1958 ; (*iii*) that a Fact-Finding Committee be appointed to ascertain public opinion in East Pakistan on the subject.

On November 28, Mr. Chundrigar agreed to postpone the Parliament session till December 11. But during the session, the Muslim Leaguers had organized an ugly demonstration in Karachi in front of the Parliament House, where Dr. Khan Sahib was abused and Mr. H. S. Suhrawardy was insulted. Some of the Muslim League and like-minded Ministers were noted instigating the rioters. This further hardened the attitude of the Republicans and the Awami Leaguers.

On December 11, when Mr. Chundrigar found that he could not hustle the Republicans into a commitment on the electorate issue, he resigned.

Mr. Chundrigar was again commissioned by the President to form a Cabinet. But he met with failure, in bringing together a majority in the House supporting separate electorates. This was a vindication of the Republican stand on the electorate issue. If Mr. Chundrigar could not bring together a majority in the House to support separate electorates, how could the Republican Party go against the mandate of the majority in re-opening the question ?

On December 16, 1957 the Republican Party formed the present Cabinet under Malik Feroz Khan Noon in coalition with the Awami

League, the National Awami Party, the Congress Party, and the Scheduled Caste Federation.

This survey of the political developments in the first ten years of Pakistan will show that the country needs to talk less of fantastic ideologies, and more of the physical problems of the day-to-day life of our people. We need more production, more employment, more instudry, and more development. The common man of Pakistan deserves to have a fair share of the good things of life—material as well as spiritual. The emphasis should shift away from mere "politics" to the material progress of our citizens. Even the Republican Party has had its share of lost opportunities, miscalculations, and blunders. But the one advantage that this young political party enjoys is that we are willing—nay keen—to learn. The main relieving features about the Republican Party is that it has not developed any attitude of infal'ibility like that of the Muslim League. I hope it will never do so.

So far as the electorate issue is concerned, I must say that this survey does not convince either way.

One thing is perhaps clear, that whatever be the ultimate choice—joint or separate—this should never be the main plank of a political manifesto. The only suitable manifesto for a political party is a programme for the welfare of the people. Constitution, franchise, and legislation are merely methods for the achievement of that primary and ultimate goal. The electorate issue is not the essence of a political manifesto.

For the last ten years politicians and political parties have exploited the controversy. Even the Republican Party has not always been clear-sighted in taking a stand on this question. Like every other question, this question also must be decided on its merits. What are the merits of the two systems of electorates? To answer that question, we have to continue our study.

CHAPTER IV

A Decade of Electorate Debate—1947-57....I

(For Separate Electorates)

For a full understanding of the implications, the question of joint or separate electorates must be considered on its own merits, not taking into account what political party is supporting this or that view-point. To begin this study, let us recall what has been said in support of separate electorates in the last few years.

One weighty pronouncement for the electorate issue was made by the Quaid-i-Azam on August 11, 1947, in his inaugural speech to the Pakistan Constituent Assembly. As it has transpired, this speech was destined to be quoted again and again by both the parties to the issue, and interpreted to their own liking. In this speech the Quaid-i-Azam had said that in course of time Hindus and Muslims, as citizens of Pakistan, would cease to exist as Hindus or Mussalmans, in the political sense. They would be equal citizens of the State. The supporters of separate electorates either maintain that equality of citizenship is confined to personal rights, and does not extend to issues of collective representation, like the franchise; or maintain that the Quaid-i-Azam in this speech merely described a distant ideal, which was to be realized in due course, subject to the fulfilment of many conditions.

The following is the relevant extract from the Quaid-i-Azam's speech :—

> "All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and specially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of

you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State, with equal rights, privileges and obligations, there will be no end to the progress you will make.

"I cannot emphasise it too much. We should begin to work in that spirit, and in course of time all these angularities of the majority and minority communities—the Hindu community and the Muslim community—because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on, and among the Hindus you have Brahmins, Vashnavas, Khatris; also Bengalis, Madrasis and so on; will vanish. Indeed if you ask me, this has been the biggest hinderance, and but for this we would have been free peoples long long ago. No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time but for this (Applause). Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques, or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State (Hear, Hear). As you know, history shows that in England, conditions sometime ago were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State (Loud applause). The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the Government of their country, and they went through that fire step by step. Today you might say with justice that Roman Catholics and Protsetants do not exist :

What exists now is that every man is a citizen, an equal citizen, of Great Britain and they are all members of the nation.

"Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense, as citizens of the State".

The Two-Nations Argument

It would perhaps be convenient to go back to the ideas which were uppermost in the people's minds when the Pakistan Movement took its formal shape in 1940 and the famous Lahore Resolution was passed by the All-India Muslim League. It was generally felt that the Indian Mussalmans were not merely a separate community whose future could be protected by proper constitutional safeguards, but that they were a separate nation, with whom the Hindu nation should come to a comprehensive settlement, before the respective Homelands of these two nations could be liberated from foreign rulers.

Other pronouncements of the Quaid-i-Azam during the period of the struggle for the establishment of Pakistan are also frequently quoted in support of separate electorates. It may be useful to reproduce here some extracts from these statements to enable the reader to judge for himself how far they pertain to the system of electorate:—

"......We are a nation, with our own distinctive culture, civilization, language, literature, architecture, names, nomenclature, sense of value and proportion, legal laws, moral codes, customs, calendar, history, traditions, aptitudes and ambitions. In short, we have our own distinctive outlook on and of life".

(*Gandhi-Jinnah correspondence*, *September* 17, 1944).

"......The Hindus and Muslims are different in everything. We differ in religion, in civilization and culture, in history, in language, in architecture, in music, in jurisprudence and laws, in food and society, in our dress, in our every way we are different......"

(*1st November*, 1945).

"......Hindus and Muslims remain two distinct nations with different historical backgrounds, culture and social, and economic orders........Hinduism is the direct negation of........all the noble ideals that Islam stands for........"

(*Delhi Convention* 7—9 *April*, 1946).

When Pakistan was established, the 1935 Constitution with its system of separate electorates was continued. In 1952 Pirzada Abdus Sattar, who was at the time Law Minister of Pakistan, presented a Bill in the first Constituent Assembly of Pakistan to introduce adult franchise in East Pakistan (as had already been done in the Punjab, N.W.F.P. and Sind) as well as to grant separate electorates to the Scheduled Castes, Buddhists, and the Christians. In this debate, the supporters of separate electorates pointed out that when Pakistan had not come into being........there were only two political parties in the whole sub-Continent of India, namely the Muslim League and the Congress. The Congress said that one and only one nation inhabited this country. On the contrary the Muslim League said that there were two distinct nations living in this sub-continent. Hence after the achievement of freedom, wha'ever system of government was to be introduced in the country, the implication was that it must be based on the Two-Natoion theory, not on the One-Nation theory.

A pointed reference to this was made by Sardar Amir Azam Khan in the Constituent Assembly on April 16, 1952, when he said:—

"......We demanded separate electorates on the basis of Two-Nation theory. It was on the basis of this principle that we demanded and finally established Pakistan. If we discard this principle of separate electorates and accept joint electorates.... then we must discard the Two-Nation theory also. If we do so, it may be easily conceded that our demand of Pakistan as a separate Homeland for us was not reasonable. It was quite possible to live together, with the Hindus in united India......"

He reminded the opposition that the differences between the Muslim League and the Congress, to which the Opposition belonged, were decades old. Pakistan had been won on the strength of the same Two-Nation theory. "You ask us to give up the theory, but this would be the last thing that we would agree to forego", he declared.

The principle of separate nationhood was the basis of the electoral system recommended in the report of the Fundamental Rights Committee which was presented on December 22, 1952. It was proposed in this report that the minority communities of Pakistan specified there should be represented in the central legislature and the legislatures of the federating units of Pakistan through separate electorates for everyone of them: (*a*) Scheduled Castes, (*b*) Hindus other than Scheduled Castes, (*c*) Budhists, and (*d*) Pakistani Christians including Anglo-Pakistani Christians.

The Two Nation argument also found frequent mention in 1956 in the West Pakistan Legislative Assembly when discussion started on the Assembly's recommendation to Parliament on the electorate issue in accordance with Section 145 of the Constitution of Pakistan.

Speakers from the Muslim League urged that for a correct interpretation of the Quaid-i-Azam's speech of August 11, 1947, the following subsequent pronouncement of the Quaid-i-Azam should also be kept in view:—

> "Remember we are Muslims. You will agree with me when I say that whatever else, you are Muslims. You belong to a nation. You have carved out a territory for yourself".

(*Dacca Students*, *March*, 1948)

These speakers sought to draw a distinction between a nation and a State. According to one speaker*, it was not necessary that a nation must always coincide with a State. He cited the case of the Italian nation. The boundaries of the country which exist today, have always been there. But not so the Italian nation. It was only after the creation of bonds of affection that the nation came into being.

Such is the case of the Arab nation. The land was there. The people were there. But it was only after Islam had brought about a great common bond, and made Muslims brothers of one another, that the Arab nation was formed. It was argued that the same had been the case with Pakistan, which came into being out of the desire of the Muslims of India to live as they wished and to have a Homeland of their own.

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*Mr. Zain Noorani, West Pakistan Assembly, August 1, 1956.

It has been said that if you preach that there are more than one nations living in Pakistan, you are not preaching the correct thing. But this argument is nothing new. Take the case of Switzerland and of Canada. Like Pakistan they are independent States, but there are different nationalities there.

Ch. Muhammad Hussain Chatha on October 11, 1956, touched upon this subject in the Constituent Assembly of Pakistan in its Dacca session by saying that the Constitution of Pakistan repeatedly referred to the rights and privileges of the minorities. The Preamble and many other articles of the Constitution contained such references. If there had been only one nation inhabiting Pakistan, where were these minorities to come from? If the Muslims and Hindus were members of the same nation, then did Japanese and Ethopians constitute the minorities referred to in the Constitution of Pakistan?

The Hindu Congress stood for the One-Nation theory, the Quaid-i-Azam fought for the Two-Nation theory. Finally the struggle culminated on June 15, 1947, when the Indian National Congress itself gave up its original stand and accepted the Two-Nation theory, as conceded in the British plan of June 3, 1947. The Congress accepted this plan on that date by 153 votes against 29. The Council of the All-India Muslim League had previously approved the June 3 Plan on June 9, 1947, by 400 votes against 8......"Is it not an irony of history that a handful of Congressite Brahmins have today succeeded in once again setting up some short-sighted Pakistanis to reverse that memorable victory?", Mr. Chatha asked.

"Pakistan and separate electorates," Mr. Chatha said, "were two fruits of the tree, that is, the separate nationhood of Islam. Today the enemy has raised his hatchet in the name of aiming at only one fruit (i.e., separate electorates). God forbid, if the blow strikes the tree itself, not one, but both the fruits will fall into the lap of the spiteful foe". Chaudhri Muhammad Hussain Chatha continued that elements with ulterior motives......wilfully twisted and misinterpretted the Quaid-i-Azam's first speech in the first Constituent Assembly of Pakistan. They confused "franchise" with "citizenship". After thus confounding themselves and those who agreed with them, they deduced voting rights from civic privileges......when the Quaid-i-Azam was pleading for equality of citizenship, he did not mean to advocate an identity of nationhood.

Referring to the argument of the opposite side that the Two-Nation theory had lost its utility after the establishment of Pakistan, Chaudhri Muhammad Hussain Chatha remarked that the interests of the Muslims could vary with a change in the circumstances. "But was the identity of Muslims also a variable quality, or had it any abiding connotation? Could it be said that in certain circumstances the Muslims prospered as Muslims, and in other circumstances their interests might demand the sacrifice of their own survival? Was the survival of the Muslims a means, or was it an end in itself? If it were merely a means to some other end, the question arose what was that ulterior golden end, for which even the very existence of the nation was a means? This ulterior end, must be some very noble ideal indeed. On the other hand, if the survival of the quality of nationhood was the ideal, then obviously the interests of the nation could not be more valuable than the existence of the nation itself."

The separate nationhood of Muslims in Pakistan was also referred to by Mian Mumtaz Muhammad Khan Daultana in Parliament on April 24, 1957, in the following words:—

> "He (H. S. Suhrawardy) said that there would have been no question of Pakistan, if the Muslims in India had been fairly treated........ This means that Pakistan was an accident...... He has said that Muslims were no nation. They got fed up with a particular treatment, and as an escape and as a last expedient, we struck up the concept of Pakistan, which was a good excuse to save ourselves from a particular difficulty, from a particular violation of decency by the Hindus.
>
> "Now this view may be fully held by some, but this is what we must solemnly repudiate. Quite irrespective of what treatment had been meted out to the Muslims in India...... Even if they had been more liberally treated than the Hindus treated their own community, because of the concept of Islamic nationhood, the Muslims could not have lived there in accordance with their principles, and could not have fulfilled their destiny, a destiny imposed upon them by their faith, by their culture and thought, except by getting a separate Homeland, where they could develop them.
>
> **"Pakistan is for us not a reaction against action by others, it is an action which compels reaction from others".**

The Religious Argument

In this pamphlet: "Zimmiyun-ke-Haquq" (The Rights of Minorities), Maulana Maududi, the President of the Jamaat-e-Islami, writes as follows: under the heading: "Representation and Franchise" on page 34. The original text is in Urdu:

> "The office of the Chief Executive under Islam is to run the Administration according to Islamic Principles. The only function of the Parliament is to cooperate with the Chief Executive in the implementation of the same Principles.
>
> "Hence those who have no faith in Islam are neither themselves eligible for the offices of the Chief Executive or the membership of the Parliament, nor is it in any way reasonable for them to have any vote in the election for these offices.
>
> "Nevertheless they can be voters and candidates for Municipalities and other Local Bodies, because in these institutions the System of Life is not in issue. Only local requirements are administered for."

On page 49 of the same pamphlet he makes it clear that non-Muslims cannot occupy KEY POSTS in a Muslim State as public servants, or public functionaries.

In his pamphlet: "Mas'ala Qomiyat" (The Problem of Nationhood), he observes on page 103:—The original text is again in Urdu:

> "The Quran recognises only two political parties in the whole population of the Universe. One is the Party of Allah (Divine Partisans), and the other is the Party of the Devil (Partisans of Evil). Whatever mutual differences of shades of opinion there might be among the Partisans of Devilry, the Quran holds them a single party. This is so because their fundamental methods of thought and action are anyhow deviations from Islam. Despite differences in detail,they are yet agreed upon in their devotion to the Devil.
>
> "The text of the Quran declares:—
>
> '*The Devil has subjugated them. He has kept them away from remembering Divinity. They are members of Devil's Party. Varily, the Devil's Party will end in failure*'."

For the religious argument also people quote from the pronouncements of the Quaid-i-Azam, declaring that the Quran and Sunnah incorporate valid laws which even today control Islamic society in all its social, economic, and political aspects. The last declaration was on January 27, 1948, when the Quaid, while addressing the Karachi Bar Association, said:—

> "......Islamic principles are as applicable to life today as 1300 years ago. Islam is not only a set of traditions and spiritual doctrines. Islam is also a code for every Muslim, which regulates his life and his conduct in politics and economics and the like......"

It has been pointed out* that the division of the country was carried out on the principle which Islam taught to its followers that groupings shall be based not on considerations of colour, race, or province, but on the bed-rock of the twin principles of the Unity of God and the Finality of Prophet Muhammad. Persons accepting this principle will belong to One group, while those who set their face against it, will fall into the opposite camp.

In the same debate on April 17, Chaudhry Muhammad Zafarullah Khan said that Islam is not only a religion according to the ordinary concept of religion, that is to say, a system which confines itself to all aspects of man's certain ceremonials and formalities, but is a way of life. It seeks to regulate life; religious, social, economic, individual, national, international.

"But Islam does not seek to impose its own system upon other communities......To the extent to which Islam makes it obligatory for the benefit of humanity as a whole to apply those principles to the whole of the community, irrespective of their faith, we are bound to do so, unless the minorities should object, in which case of course, we cannot impose it upon them...... To the extent to which their own culture, their own faith, their own religion impose barriers, it would not be proper to apply our conception of democracy and equality, and of religious culture to them, in contravention of their conception of equality, to their definition of democracy."

Chaudhary Muhammad Zafrullah Khan who put forward this view point forcefully in the Constituent Assembly on April 17, 1952, dwelt at

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*Sardar Amir Azam Khan in the Constituent Assembly, April 16, 1952.

length on the basic principle of orthodox Hindu society which he said was Caste. "The whole system results from the central doctrine in all religions. What is the manner through which a man might attain the highest ideal or objective of human existence? That in the orthodox Hindu philosophy, is through the system of the transmigration of soul......allied to the doctrine of *Karma*......The Hindu society, by and large, as we assume in our own case, is as much devoted and as deeply attached to the fundamentals of their faith, as the Muslims, the Christians, and others are to the fundamentals of their own religions."

Chaudhry Muhammad Zafarullah Khan quoted numerous extracts from the *Vedas*, *Puranas*, *Smirties*, and the *Upanishdas*, prescribing "the eating of cow-dung" and "the drinking of cow-urine" for Brahmins, who indulged in the slightest fraternization with the Shudras. Then he proceeded to argue:

> "Is it reasonable to contend that in this condition of society, you are being undemocratic if you say, each group shall have its due and equal representation, lest the effectiveness of their representation should in any way be mitigated and should be reduced, if they are put on the common register with other sections of the Hindu society?........
>
> "...... If it is wrong, I am prepared to take it back, if I am assured that the *Vedas*, the *Puranas* and *Smirties* are today repudiated on behalf of the Hindu society.
>
> "Against that background can it be contended that the Scheduled Castes do not need a safeguard?........
>
> "There are today people who (it is not for us to judge whether rightly or wrongly) conceive themselves to be polluted if they should come in touch with the Shudras. They will not be forced to go into the same polling booth with the Scheduled Castes. Otherwise, either they would have to forfeit their franchise, or forfeit their sanctity and have to go through purification in order to regain their position in the eyes of their own fellow caste-men. The conscience of the ultra-orthodox will be saved, the sufferings and horrors to which it would otherwise be subjected, if these provisions were not to be made".

In the West Pakistan Legislation Assembly on August 1, 1956, Mr. G. Allana raised the question whether according to Ialamic Law the Musslamans and non-Muslims could undertake joint legislation. He gave the following quotation from page 211 of the Punjab Disturbances (1953) Court of Enquiry Report:—

"It is wholly incorrect as has been suggested from certain quarters that in a country like Pakistan which consists of different communities—Muslims and non-Muslims with a right to vote on very subject that comes up, the legislature is a form of 'Ijma' or 'Ijtihad', the reason being that Ijtihad is not collective, but only individual. Though Ijma is collective, there is no place in it for those who are not experts in the knowledge of the (Islamic) law. This principle at once rules out the infidels, 'Kuffar' whether they are the people of the scriptures or idolaters (*Ahl-i-Kitab* or *Mushrikeen*)".

When the East Pakistan Legislative Assembly met on October 1, 1956, to forward its recommendation to the Constituent Assembly on the electorate issue in accordance with Section 145 of the Constitution, a member* quoted from the Holy Quran:—

"O, Believers, do not take the people other than yourself, into confidence in your affairs. They will leave no stone unturned to destroy you. They love, what pains you. Their hatred against you has found expression from their tongue. And what their hearts conceive is much more dangerous. I have shown you the signs, if you can understand them."

This member said that according to modern political science, a nation is constituted on the basis of a country, or a State. According to Islam, the basis of nationhood is not common domicile or common parentage, but a common outlook on life, and a common culture. Our conception of a nation is not national, but super-national and super-geographical.

Another member† in the same debate said that unlike any other democratic state, Pakistan is a State which was created on the basis of religion. It is religion alone which unites the two far-flung territorially and geographically separated wings of Pakistan, each with its own language. Pakistan was demanded and achieved for the emergence of an ideal Islamic State.

*Mr. Abdul Bashar Muhammad Sultan Alam Chaudhry.
†Mr. Puniruddin Ahmad.

Islam is not a religion as religion is commonly understood in the Western countries. It is a complete code of human life. It is not a private affair of a citizen. Thus in Islam social, political, economic, religious, and other aspects of life are so intermingled that one cannot be detached from the other.

It has been said by Maulana Bhashani, this member continued, that Allah the Merciful is *Rubbul-Aalmin* and not *Rabbul Muslemin* or that the Rasul is Rahmatul-lil-Aalmin and not Rahmatul-lil-Muslemin. This is quite true. But does this justify idolatry? Does it justify *Zanaja* (Jenaza) prayer for a Hindu deadbody? Does it justify offering prayer in the same mosque by a Muslim and a Hindu in their own way? Does it justify marriage of a Muslim boy with a Hindu girl in an un-Islamic manner? Does it justify taking interest by a Muslim like a Hindu? Can a Muslim accumulate more than Rupees one hundred, without giving a certain percentage of it to the poor and needy as *Jakat* (Zakat)?

We will be accountable to Allah if in the name of so-called democracy we banish Islam, the chosen religion of Allah, and thereby pave the way for the infiltration of communism into Pakistan.

It is needless to mention that mankind was created by the One Allah. But the same Allah in His Own Book, the Holy Quran, has distinguished Right from Wrong, and the consequences thereof........ He further enjoined that Islam is His chosen religion, and it is a complete code of life. Here lies the difference between "*Ensan*" (True Man—Muslim) and "*Morzeque*" (whom nature merely feeds—non-Muslims).

The Ideological Argument

Quite apart from the Two-Nation theory and the religious argument, it has been urged that separate electorates are a necessary corollary from the ideological foundation of Pakistan. This reasoning is the invention of the Daultana school of thought in the Muslim League. Therefore, we can best present the postulates of this theory in Mian Mumtaz Muhammad Khan Daultana's own words. When he was speaking in the debate on the electorate issue, on October 10, 1956, at the Dacca session of the Parliament, he said:

"......Electorates may be a vital political issue, it may go to the root of our ideology, or stable nationhood; it may decisively affect the vital interest of Muslims; but that it is a matter which is a part of the creed of Islam, I cannot believe. I speak only for myself, these are but my own views. I support separate electorates. I think it is a fundamental issue. But it cannot be a matter of doctrine,

"If it were a matter of doctrine, we would all have been of one voice, because then the choice would have been: do we, or do we not wish to remain Muslims. I think we would all give up everything in life, but not Islam......I think most of the people today in East Pakistan and West Pakistan—certainly, I can speak for West Pakistan—who advocate it, do so for sincerely and deeply felt ideological reasons, but certainly not as matters of creed and doctrine. I still make bold to say, that a man who accepts Joint Electorate may be politically wrong or even malicious, but he does not, therefore, becomes an apostate......

"......What are the reasons and principles for which the Muslim League supports separate electorates? What is in fact the Ideology behind our stand?...... The national liberation movement of the Muslims of India was based exclusively on the community of interests and community of feelings amongst the Muslims of India. I myself am always a little nervous about employing high-sounding words and phrases, like 'Nation' and 'Two-Nation' theories. I must confess that importation of vague terms does not illuminate the discussion.

"But there can be no doubt in anybody's mind that the national liberation movement of the Muslims of India, and the creative impulse for Pakistan, was a deeply and sensitively felt community of interests, and community of feeling and emotion, amongst the Muslims, who inhabited India, and in fact it was based on no other considerations which in other contexts have given cohesion to the sentiment of nationhood amongst other people".

"With us it was not a case of geographical unity. It was not a case of racial unity. It was not a case of linguistic unity. This was an unity that came from an immediate common cultural experience,

a common participation in the same stream of history. It was an altogether a matter of common faith and thought. This was the exclusive basis of our liberation movement, and it was the exclusive cause of Pakistan......

"The lines of partition closely, too closely, cruelly closely, followed this approach. Even where the Muslims were 55%, or 58% they were not included in Pakistan. But where their majority was so palpable that it could not be refuted, slurred over, or countered, there alone the boundaries of Pakistan were drawn. We fought our movement on that basis.

"......Even today, the inevitability and indestructability, the differentia of Pakistan is based on the same sentiment. Pakistan still depends upon the same community of feelings, the same community of interest amongst the Muslims. If this community ceases to operate, no other ties can bind us.

"......If this were not so, it would be perfectly conceivable that the freedom of the people who inhabit the various regions of Pakistan today, could be realised, and sustained, in other combinations, conditions, and orientations, than the present one. How offensive to our patriotism even the making of such a suggestion is, is a measure of the relevance even today, of the creative ideology of Pakistan.

"Perhaps a ridiculous, an impossible, even a blasphemous and preposterous flight of imagination would sharply bring out, and fix in your imagination the point of my reasoning......Let us take the people of France, and the spirit of French patriotism. We know that most Frenchmen are Roman Catholic. If by a miracle, all of them were to turn Protestants, or even Jews, the basis of France, or the spirit of French patriotism, would hardly be affected at all. But if by some masterpiece of delivery all the Muslims of Pakistan renounce Islam, and become, for instance, Hindus, would the Pakistan we know today, continue to exist, would it remain?— I think it will not.

"......Take away that spirit, that community of emotion, feeling and faith; and we must fall apart, drawn each in its own sphere,

to the lesser logic of race, language, or geographical convenience. If this is to be an obscurantist, then my patriotism has no other food to feed upon, no clearer light to show it its future path.

"......The basis is the same community of interest, and community of emotions and sentiments, which brought Pakistan into being. Of course, the stress and emphasis may change. The angularities may be rounded, the negatives may take a positive character. Its crudity may disappear, its hostility may cease, but still I do not see, how we can do without it.

"You may well question me, what then is the national theory, on which Pakistan is operating today? There is no doubt in my mind that the citizenship of Pakistan is equal—is absolutely equal—every person who inhabits Pakistan, has the same rights, duties and privileges, and benefits...... There can be no doubt that the citizenship of Pakistan is one and equal for all. But at the same time there can be no doubt that the rationale, the differentia, the spirit of Pakistan is Islam—or if you prefer it, Muslim.

"That spirit has to be preserved......... While preserving and promoting the full equality of citizenship, you can only cherish and safeguard it, if.........vehicles for the operation of the Millat within the Qaum, are afforded and preserved. Such a vehicle must operate, without offence and injury to anybody else......in separate electorate.

"...... It is still not a matter of religion, not a matter of creed. But in our present circumstances, it remains a fundamental and decisive matter of political ideology—a policy in vital relationship with the strength and stability of Pakistan.........I can only say that one people, based on two theories cannot exist."

Chaudhri Muhammad Hussain Chatha in the same Session of the Parliament on 11 October, 1956, gave the following exposition of the Ideological Argument:—

"......I have no hesitation in admitting frankly that I do not consider belief in Separate Electorate a part of the creed of Islam, in the sense that non-Muslims can become Muslims simply by

supporting Separate Electorate, or alternately an otherwise good Muslim turns a renegade merely because he accepts Joint Electorate ...."

"Separate Electorate is a corollary of Separate representation. Separate representation is the most vital medium for the expression, as well as the organization, of Separate Nationhood. Separate Nationhood is founded on a Separate Ideological Solidarity and a common struggle for the liberation of the Homeland. The struggle for the liberation of the Homeland too, was a result of the Ideological Solidarity. All the factors governing the Ideological Solidarity flow from Islamic inspiration, e.g., History Traditions, the common standard of Right and Wrong, etc.

"I concede that Separate Electorate is no article of faith in Islam. I admit that the demand for Pakistan was not founded on the principle of Separate Representation. But, who denies that the demand for Pakistan was founded, on the Two-Nation Theory? And what is it, except Ideological Differences that maks for the distinction of the two nations? When two Nations, living in the same geographical surroundings, are differentiated merely by an Ideological Distinction, what measures save for Separate Electorate can guarantee the survival, defence, and representation of such a separate National Personality ...... That is why we are so particular about the continuation of this divergence."

Gulf between Two Pakistans

Another argument advanced in support of Separate Electorates is that the only link between the two wings of Pakistan is religion. The two provincial units differ in language, race, geographical surroundings, and the day-to-day habits of life. The one bond that has brought and kept them together is the brotherhood of Islam. It was under the inspiration of religious motives that Bengalis participated in the struggle for the establishment of Pakistan. It has been for motives of religion that despite many grievances against West Pakistan, there has been no weakness in East Pakistan's loyalty to the integrity of the country. If separate electorates are now replaced by a joint electorate, the result will be that, in the first place, non-Muslims will infiltrate the Muslim political organizations. Secondly, the Mussalmans will naturally get more involved

in their provincial relationships, with their non-Muslim neighbours. All this will ultimately result in strengthening a provincial patriotism at the cost of loyalty to over-all interests of Pakistan. A joint electorate will lead to the growth of as many local nationalities, as there are territorial units. This will amount to the end of the dream for a dynamic, strong and united Pakistan.

If we want to keep the two wings of Pakistan united, the only course open for us is to keep the consciousness of Islamic nationhood alive and fresh. This spirit has further to be strengthened, by constantly bringing into prominence the distinction between Muslims and non-Muslims. Obviously this result can only be achieved through separate electorates.

These misgivings were expressed in the debate in the East Pakistan Legislative Assembly on October 1, 1956. They were echoed in the debate of the Constituent Assembly session at Dacca on October 11, 1956. They were again mentioned in the August, 1957, debate of the Constituent Assembly of Pakistan.

The Jamaat-i-Islami has taken up this argument very seriously, and repeated it in different forms in the course of its propaganda campaign against joint electorate.

Interest of Minorities

Separate electorates have also been supported on the plea that where the minorities are numerically weak, they will be deprived of representation altogether. This will lead to their perpetual unrest and discontent.

Sardar Abdur Rab Nishtar, while participating in the debate of the Constituent Assembly, observed on April 17, 1952:—

> "We have no fear whatsoever ...... of Caste Hindus injuring the interest of Muslims, if they are brought on the same list of electorate. We could arrange the constituencies, if we were dishonest, in such a way that these four million Caste Hindus joined with 30 million Muslims of East Bengal, could not get any representation at all, and even if some Hindus were returned, then only those who were definitely stooges of the Muslims.........that would have been the position if we wanted to be dishonest to the minorities,

if we had not been conscious of our responsibilities towards the minorities. We do not want a situation to arise wherein we do not find minorities duly represented in the legislature..........We want to have true representatives of the minorities in the legislature....................

"It (separate electorate) gives Muslims an opportunity to choose their own representatives and send them to legislature; it gives the Caste Hindus an opportunity to choose their own representatives and send them to the legislature; it gives the Depressed Classes an opportunity for the first time in their history, a right to choose their representatives and send them to the legislature to represent and advocate their cause. If this is not democracy, then I would submit that perhaps this word has lost its meaning in the dictionary consulted by the members of the Opposition............"

Tilting the Balance

Although the non-Muslims are an over-all minority in East Pakistan, in some particular constituencies they constitute the largest single vote. Where the minority is a little powerful, the majority vote might be divided among the multiplicity of factional candidates. The powerful minority will bargain hard with the majority and permit only those candidates to be returned who are prepared to sell the interest of the majority and do what the minority wants them to do. In this connection, it is to be remembered that non-Muslim women do not observe 'Purdah'. Therefore, both non-Muslim men and women, under a system of adult franchise will constitute one solid block. On the other hand, in most localities Muslim women do not take the trouble to go to the polling booths in full numbers. Therefore, while calculating voting strength, a sizable portion of the Muslim population should be written off as ineffective in any political sense.

Thus in many constituencies where the non-Muslims are considered a minority, they will be able to exercise a decisive vote in the election of candidates.

Even in constituencies where Muslim men alone are in majority, non-Muslims by reason of their communal solidarity will vote as one entity. On the other hand, the Muslims because of their lack of political con-

sciousness will be split into many personal and factional groups. Thus the non-Muslims will get an opportunity to choose and help those Muslims who will be better advocates of non-Muslim sectarian influence than the non-Muslim themselves.

The above argument has been presented most forcefully by the Jamaat-i-Islami, who have substantiated their contention with voluminous statistical data. While the Fact-Finding Committee of the Republican Party was touring East Pakistan, the Jamaat-i-Islami presented a memorandum on these lines to the Committee. The Jamaat has since elaborated its memorandum, and I reproduce in the Appendices at the end of the book the different schedules as published in the *Daily Tasneem* of January 25, 1958. These statistics have, however, not been checked as correct.

The first contention of the Jamaat-i-Islami is that in the 42 constituencies listed in schedule 'A' (printed at the end of the book) in East Pakistan, the proportion of non-Muslim voters is from 35.56 to 49.99. Taking the lowest Hindu percentage of 35 per cent, the counter Muslim percentage would be 65 per cent. Supposing out of this total number, half are Muslim males, and the other half is made up of Muslim females, and that only ten per cent Muslim women exercise their vote, the total actual Muslim vote will be about 32½ per cent. On the contrary, it is argued that the Hindus will exercise their vote in full. Hence the Jamaat-i-Islami is of the opinion that in case separate electorates are adopted, all these 42 constituencies in East Pakistan will go to non-Muslim candidates.

The Jamaat-i-Islami further is of the opinion that in the five women's constituencies given in schedule 'B' (printed at the end of the book) in East Pakistan, the non-Muslims will be able to dominate with the help of a very low fraction of Muslim votes, because the Muslim women as noted above observe purdah, and can never go in full strength to the polling booths.

Another 88 Constituencies of East Pakistan, where the percentage of non-Muslim population is 20 to 35.48 per cent, are listed in schedule 'C'. In these, the Jamaat-i-Islami asserts that the non-Muslims are again likely to win the elections, either by supporting a Muslim candidate of their own choice, or by securing but very small support from Muslim deviationist vote.

The Jamaat-i-Islami through these calculations arrives at the conclusion that under joint electorate out of a total of 310 seats in the East Pakistan Provincial Assembly, 149 seats might go to non-Muslims or to Muslims who will be under non-Muslim influence.

Hindu Choice not in Muslim Interest

A certain section of the supporters of separate electorate argue that the non-Muslim inhabitants of Pakistan have repeatedly expressed their support for joint electorate. In fact this has been their slogan from pre-Partition days. This is conclusive proof that joint electorate is injurious for Mussalmans. Whatever the Hindus desire, is by the nature of things against the interest of Mussalmans. When the Mussalmans feel any doubt about their true interests, they should always act on the formula that whatever the Hindus demand, is always against Muslim interests; and what the Hindus oppose, must be good for the Muslims. This argument is employed by many newspapers who support separate electorate. The Jamaat-i-Islami has also, on occasions, made use of this argument.

Justice to Minorities

Separate electorates have been recommended often as a device for enabling the minorities to choose their true representatives to the legislatures. Pakistan, it is said, is pledged to a fair treatment of minorities. If the minorities cannot elect their own representatives, it will be a violation of those pledges. Besides, it will lead to discontent among the minority population.

Sardar Abdur Rab Nishtar elaborating this argument in the Constituent Assembly of Pakistan on April 17, 1952 said:—

> "......How is it possible for the majority party in this House to ignore their responsibility towards minorities, and backward classes; and knowing that the stand taken by the other side is detrimental to the interests of several million of population of this country; they should not warn them of the danger, but take advantage of wrong attitude adopted by a certain section of minorities, and adopt a course which would not safeguard the interest of minorities; but result in injuring their vital interests.

"It was said why should you think about the interests of minorities? One of my friends quoted a saying that a woman who loves a child more than its mother is a witch, meaning thereby that so far as we are concerned, we have nothing to do with the interests of the minorities; it is for them to look after their interests. May I remind them of the saying of a very old and very wise philosopher of Iran, who said about 700 years ago (Sa'di), 'When you see that there is a blind man and a pit, if you remain silent you commit a sin'.

"If I see that for certain reasons, which to my mind are unsound reasons, a section of a particular minority community is adopting an attitude, which may ultimately spell a disaster for them, it is my duty as a Muslim—as an honest human being, and as one who has the interest of Pakistan as a whole at heart—to see that such a wrong step is not taken on such an important and fundamental matter".

Necessary for Cordial Communal Relations

Separate electorates have also been supported on the ground that they will not allow the politics in the country to deteriorate to a low communal level. If joint clectorate is adopted, the rival candidates from different communities may inflame the religious sentiments of their respective followers for the sake of winning elections, and thus communal riots may start in the country.

Sardar Abdur Rab Nishtar gave the following exposition of this particular argument on April 17, in the same speech:—

"So far as the question of peace is concerned, let us examine it. What happened in India? May I remind my friends what incidents took place during the recent elections in India?

"I will refer to the speeches made by no less a person than Mr. Sampuran Anand, a very important Minister of U. P. Government. He said that joint electorates has deteriorated Hindu-Muslim relations in India; and the reason which he gave was that according to him, Muslims voted for Muslims, so much so, that in one case, according to Mr. Sampuran Anand, when a Communist Muslim stood against Pandit Pant, the Chief Minister of U.P., the Muslims voted for the Communist who was carrying the name of a Muslim, but not for the Hindu Chief Minister of the Province.

"The Minister said that this approach to the problem had created a very critical situation. This is the present position in India.

"Supposing we have a joint register..............the result would be that when a Muslim is opposing a Hindu, and an appeal is made in the name of religion, there will be no chance of the Hindu being returned.

"If the Muslims vote for the Muslim candidate, and a 'nationalist' Hindu votes for the 'nationalist' Hindu candidate, but not for the Muslim, then you can imagine its effect.

"When elections are on, then troubles take place even where candidates belong to the same community. The feelings rise so high that some times disturbances do take place between various factions, clans and tribes. If such a situation arises in the case of a constituency which is being contested by members of different communities, then it may result in communal disturbances. It may create chaos in the State.

"If communal passions are aroused, then there will be disorder, the peace of the provinces will be disturbed. But in case of separate electorate, Hindus will be fighting elections against Hindus; and Muslims will be fighting against the Muslims. There will be no chance of a clash occurring between Hindus and Muslims.

"At the present juncture, it is absolutely essential for the government and the people of Pakistan, for all factions, all clans, all tribes, and all communities, to see that nothing happens which may result in even a minor communal clash, because sometimes bigger disturbances follow very minor clashes.

"I feel that it is absolutely wrong to say that if there is joint electorate, it will make for peace".

Malafide Professions of Caste Hindus

(*a*) *Destruction of Pakistan:* Supporters of separate electorate attribute two motives to Caste Hindus, for their vigorous and persistence advocacy of joint electorate.

It is alleged that the Caste Hindus want to take revenge from Muslims for the vivisection of Akhand Bharat. They want to teach a lesson to Muslims. They want them to eat their own words, by repudiating the Two-Nation Theory and accepting Joint Electorate.

The Jamaat-i-Islami of East Pakistan in its Memorandum dated 6-12-57 (reference No. 2B-EP cont/Emsg. Camp.59/9550) addressed to the Fact Finding Committee of the Pakistan Republican Party, took this line of argument. Here are two relevant extracts:—

> "Hindus in East Pakistan, mainly Caste Hindus, naturally look to Bharat as their saviors, and smuggle huge amounts of currency to Bharat. The East Pakistan Government itself last year released the fact to the press, that every year they smuggle 40 crores of rupees in various ways......
>
> "......The obvious intention of this demand (Joint Electorate) is ...... they know that after some time, East Pakistan could be captured by Bharat, as the new Hindu-Muslim Nationhood will find greater affinity with West Bengal. The Hindus are aware of the fact that under a secular dispensation, East Pakistan and West Pakistan cannot continue as one State for long........"

(*b*) *Injustice to Scheduled Castes:* Another explanation of the Caste Hindus support for Joint Electorate is offered in terms of the alleged desire to dominate the Scheduled Castes.

> *"It is the Caste Hindus who want it (Joint Electorate) in order to dominate the Scheduled Castes. The Scheduled Castes do not want it ...... Why this desire of the Caste Hindu for Joint Electorate has continued? It is the desire to dminate. It is the desire to have power, which is all along been there, and even in the present condition of being a minority of 24 per cent in East Pakistan, and 20 per cent of the whole, they have not forgotten that idea .... the objective being to dominate the Scheduled Castes ......
>
> "A great majority, say 3/4 of the non-Muslims in Sind belong to Scheduled Cates, and they have got only one representative here. You will find that their seats have been taken away by the Caste Hindus, because there was not Separate Electorate........

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* Pirzada Abdus Sattar in the West Pakistan Assembly Debate on 4 August 1956.

"......It is for these reasons that Caste Hindus, want that joint electorate should be held, not because they want that by holding joint electorate with reservation of seats, some seats should be guaranteed to the Scheduled Castes also."

You see as to what has actually happened in Sind ? Only one persons from the Scheduled Castes has been elected, whereas according to their number the Scheduled Castes should have 4 or 5 seats, and the Caste Hindus should have only 1 or 2 seats......After all the responsibility falls on the Majority Community also who have got to decide in the case of each community......"

"*What is dear to them and what has been dear to them.

"In view of the characteristic calculating mentality of my honourable friends on the opposite side, what is the great loss which they think will occur to them, if separate electorate are introduced, so far as Caste Hindus are concerned.

"It is the feeling of that man who has for some time been in enjoyment of a right, and which right he suddenly comes to know is a usurpation on his part, and for which the real claimant turned up. It is that feeling.

"They have been for ages exploiting the Scheduled Castes. They have been actually usurping their political rights......"

"Now how can we protect the Depressed Classes, I ask ? Supposting you ask them to compete in an Electorate College, where you have the very rich Muslim Industrialists who have very fat Bank balances ; or you ask them to contest in an Electoral College where there are Caste Hindus, who own crores of Rupees in Jute Trade in East Pakistan. Is it possible that in an Electoral College of that nature the real representatives of the Depressed Classes would ever be elected ?......

"......It seems to me that not only the real representatives of the Depressed Class will not be elected, but I make bold to say that ......not one member of the Depressed Class will ever be able to come to a Parliament or to a Provincial Assembly, if you ask them to fight jointly with the Muslims and with the Caste Hindus......"

* Malik Shaukat Ali in the Consembly Debate on 18 April 1952.

A Christian member, Mr. Joshua Fazalud-Din, put the case in the West Pakistan Assembly debate on August 3, 1956, in the following words:—

> "......I ask from the members of the non-Muslim group: Did joint electorate form part of the scheme, which we non-Muslims accepted as honourable men in 1947............If you say that they did not, then I would ask, with what justification can we non-Muslims in 1956 stand up and say: we repudiate that contract, and ask for joint electorate, when at the time the contract in question was entered into in 1947, joint electorate were not at all its component part. Can we non-Muslims repudiate unilaterally that contract now?.... I leave the advocates of joint electorate to answer this question. But so far as the non-Muslim Christians are concerned, the question does not at all arise. I say with the fullest responsibility that the Christians stand for separate electorates as a Community......
>
> "......I will tell you why my friends want joint electorate. They want to grab the share of the poor Depressed Classes in Sind. Here it is very clear. While the Caste Hindus in that Province who number only 134,000 have secured 5 seats, the Scheduled Castes who are 320,000 have got only one.
>
> "They want joint electorate so that they may be able to grab the share of the poor Depressed Classes, and if the Scheme is accepted, they may also grab the share of the Christians who are very near to Depressed Classes.
>
> "......It is a mystery how the Caste Hindus of Karachi with a population of 4,641 have secured one seat, while more than 20,000 Christians, and 13,000 Scheduled Castes have gone empty handed. The voting was of course on the basis of joint electorate.
>
> "Then we come to the Punjab. The Christians here are 401,000 .... Seats voted for the Christians are 3. If you examine carefully, the proportion of representation of the Christians and others, you will find that while the Caste Hindus got one seat for 22,000, the poor Scheduled Castes got one seat for 320,000. The Christians got one seat for 133,000".

Representation of all classes and interests

Mian Mumtaz Muhammad Khan Daultana while speaking in the Constituent Assembly of Pakistan on October 10 1956 advanced the argument that Separate Electorate ensured the perfect representation of all classes and interests. His actual words were :—

"It has been argued that Separate Electorate militate against the fundamental principle of Equality of citizenship, and mitigate the equal value of representation.

"That of course is not true, because whether it is separate or joint electorate, the value of a vote remains equal. Each vote, if it is cast has an equal significance for the future determination of the policy of the country.

"In fact, the question of electorate does not go to the value of a vote. It is a method of grouping of the votes.

"In any case, you have Territorial Grouping. What is the point of the Territorial Grouping ? That no territory may be left without representation.

"And what is the point of Community Grouping? That no Community may be left without representation."

"It is not a system which reduces or increases the value of a vote. If it does anything, it reduces the chance and danger of manipulation, by which the significance of any appreciably groups in the country can be reduced."

No Threat of Sub-partition of Pakistan

Choudhri Mohammad Hussain Chatha while speakingin the Constituent Assembly on October, 11 1956 gave the following explanation, for taking up the position that separate electorate in Pakistan cannot lead to sub-partition of the country, as it had in the past led to the partition of Akhand Bharat :

"Partition was demanded on the basis of the Two-Nation theory coupled with the natural right of every separate nation to a fair Homeland in the areas of its habitation. This demand was pressed on the principle of self-determination. The most important factor paving the way for the partition of India was that before liberation, there was no independent democratic state in existence here. Hence India was not the Homeland of any one nation. It was a subject territory governed by the British Empire. Before the British conquest, large parts of India belonged to Muslim Kingdoms, whereas there were some Hindu principalities also.

"Now that under a mutual contract among the Hindus, Muslims and the British; respective Muslim and Hindu Homelands have once been carved out, these Homelands have matured into independent States. By what logic or justice can Hindus demand any further subdivision of the Homeland of the Muslims?

"Supposing the Hindus do tear up the Partition Agreement, and demand a subdivision of Pakistan in the name of Pakistani Hindus, Will not this free the Muslims too from such an abrogated contract? Once the Partition Agreement is terminated, will it be Hindus alone who will be entitled to demand a subdivision of Pakistan ? Are there no grounds for the Muslims to revive the Muslim claims to a United Bengal, a United Assam, a United Punjab and in addition : the corridor once demanded by the Quaid ? Whatever the area the Pakistani Hindus may ask for, it will hardly be a one-third fraction of the gigantic demand for territory which will certainly be put forward by the Muslims of the sub-Continent. Who will be the loser in such a deal ? I believe the Hindus are a calculating race. They will think twice before putting up any such absurd claim. It is only a simpleton Muslim advocate of the Hindus who can indulge in any such loose talk. The purpose is to browbeat Muslims and make them agree to joint electorate, under the influence of a false alarm......"

CHAPTER V

A Decade of Electorate Debate—1947-57 II

(For Joint Electorate)

In the last chapter we familiarised ourselves with typical arguments advanced on behalf of the supporters of separate electorates. Let us now examine the case for joint electorate.

One-Nation Argument

As soon as Partition was completed and the territories of the two States of India and Pakistan demarcated, it was evident that large minorities belonging to both the sister Dominions would be left behind in each. It would have been un-practical—nay disastrous—if these minorities were to continue to demand a sovereign separate status, in the Homeland of the other Nation.It would have been equally objectionable if the majority in either of the Homelands tried to take revenge for past grievances, on the minority left in its jurisdiction.

It was keeping in view these implications of Partition that immediately after the division of the country, the Quaid-i-Azam called upon the Indian Mussalmans who were left in India to declare allegiance to the new Hindu State. Similarly he felt no doubt that the Hindu residents of Pakistan would be accepted as full-fledged citizens of the Islamic State.

If there seems any anomaly in the Quaid-i-Azam's different attitudes towards the implications of nationhood after the attainment of Independence, as compared with the attributes of a nationhood which had yet to attain its liberation, the difficulty lies in failure to understand the difference between the subjective and the objective role, played by the concept of nationhood in the progress of nations.

As long as a nation is struggling for the assertion of its sovereign independence, it will deny any common links with those who stand in the way of its freedom. But as soon as a nation has realised its sovereign and

independent status, its next primary goal must be to assimilate all the other alien influences within its jurisdiction.

We have previously noted *how Quaid-i-Azam's inaugural presidential address to the Constituent Assembly of Pakistan on August 11, 1947, is interpreted by either side in the debate to its own purpose. Supporters of joint electorate give the following quotation from the Munir Enquiry Report on the 1953 Punjab disturbances in favour of their interpretation:—

> "The Quaid-i-Azam was the founder of Pakistan, and the occasion on which he thus spoke was the first landmark in the histroy of Pakistan. The speech was intended both for his own people including non-Muslims, and the world, and its object was to define as clearly as possible the ideal to the attainment of which the new State was to devote all its energies.
>
> "There are repeated references in this speech to the bitterness of the past, and an appeal to forget and change the past, and to bury the hatchet. The future subject of the State is to be a citizen, with equal rights, privileges and obligations, irrespective of colour, caste, creed, or community.
>
> "The word: 'nation' is used more than once, and religion is stated to have nothing to do with the business of the State, and to be merely a matter of personal faith for the individual."

It is interesting to note that many staunch and responsible Muslim Leaguers have till very recently been conceding that the Quaid-i-Azam's pronouncement on August 11, 1947, put a final end to the Two-Nation theory. Their only contention was that the Quaid-i-Azam had visualised a gradual elimination of the theory from the affairs of the State. They thought that separate electorates should certainly be replaced by a joint Electorate, in course of time. They agreed that this was the ultimate goal. But they thought that the time had not yet come for its immediate implementation.

While speaking in the Constituent Assembly debate on April 17, 1952, Sardar Abdur Rab Nishtar said:—

*Chapter IV, page 79.

"It may be that one day our people begin to think in political terms, and political terms only, and approach these questions only from the political point of view, uninfluenced and unaffected by other considerations.

"Perhaps that was at the back of the mind of the Quaid-i-Azam, when he said that 'in course of time' a situation may arise when politically speaking, in Pakistan, Muslims would not think as Muslims and Hindus would not think as Hindus........ that was why he used the phrase 'in course of time'.

"We shall have to work for developing that fusion among various communities, which would help develop that mental approach.

"We shall have to work ceaselessly, so that in course of time Pakistanis develop that mentality and that approach".

Further in the course of the same speech, Sardar Abdur Rab Nishtar observed:—

"......Minorities do not by joint electorate turn into majorities. So far as the Muslims are concerned, they are a majority community in Pakistan; and naturally will always have a very effective and major voice in the government of this country.

"So will always be the case in the so-called secular State of India. There Hindus shall always have a very important and major voice in the administration of the country.

"joint electorate or separate electorates, in no way change the situation......

"What is the position even in a country like the United States of America? There is joint electorate. There is inter-dining. There is inter-marriage, all over the country. But have you ever seen a Roman Catholic or a Jew having been elected as the President of U.S.A.? Since 1776, the U.S.A. came into existence, but because the major proportion of the population is Protestant, the Presidents of U.S.A. have always been Protestants......

"......system of electorate has got importance, yet it has not got that importance, which has been ascribed to it by the Opposition, namely that it is a question of life and death...."

The declaration of the Quaid-i-Azam of August 11, 1947, has been described by Raja Ghazanfar Ali Khan, in articles contributed to the *Dawn* as the Magna Charta given by the architect of Pakistan.

'Those who find loopholes in the statement, or put it in cold storage, are not the friends of Pakistan,' he said. 'They are turning back the clock of progress and liberalism in Pakistan.'

It has been argued, he said, that the Quaid-i-Azam would never have agreed to the joint electorate, because it placed two irreconcilable elements on the same footing in elections.

'Such utterances do not indicate any understanding of the Quaid-i-Azam's ideology and the struggle for Pakistan. They perhaps show greater kinship with the policy of *Apartheid* and racial segragation of the South African whites'.

If joint electorate is to be rejected on the plea that it places two irreconcilable elements on the same footing, then would it not be logical to demand separate laws, separate judges, separate houses, and even separate schools for different elements, Raja Ghazanfar Ali asked. He, therefore, concluded:

"If I am sure of anything it is this that the Quaid-i-Azam would never have agreed to this policy of segregation and political apartheid."

Besides the speech on August 11, 1947, there are other pronouncements of the Quaid-i-Azam, after the establishment of Pakistan, which are quoted to show that his advocacy of the Two-Nation theory terminated with the struggle for the liberation of the Homeland. After independence he was a votary of the One-Nation, and believed in a secular constitution for the newborn Pakistani Nation:—

In another speech of the same period he said:—

"It was no concern of our predecessor government. It was no concern of their to worry about it. They were here to carry on the

administration, maintain law and order, and to carry on their trade and exploit India as much as they could.

"But now we are in a different position altogether. Now I give you an example. Take America. When it threw off British Rule and declared its Independence, how many nations were there? It had many races: Spaniards, French, Germans, Italians, English, Dutch, and many more. Well there they were. They had many difficulties.

"But mind you, their nations were actually in existence, and they were great nations, whereas you had nothing. You have got Pakistan only now. But there a Frenchman could say, 'I am a Frenchman belonging to a great nation', and so on.

"But what happened ? They understood, and they realised their difficulties, because they had sense, and within a very short time they solved their problems, and destroyed all this sectionalism, and they were able to speak not as a German, or a Frenchman, or an Englishman, or a Spaniard but as AMERICANS. They spoke in this spirit: 'I am an American' and 'We are Americans'. And so you should think, live and act in terms that your country is Pakistan, and you are a Pakistani."

In yet another contemporary speech, he declared:—

"The constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly. I do not know, what ultimate shape of this constitution is going to be, but I am sure that it will be a democratic type, embodying the essential principles of Islam. Today they are as applicable in actual life as they were 1300 years ago.

"Islam and its idealism have taught us democracy. It has taught equality of man, justice, and fair-play to everybody. We are the inheritors of those glorious traditions, and are fully alive to our responsibilities and obligations, as framers of the future constitution of Pakistan.

"In any case Pakistan is not going to be a theocratic State—to be ruled by priests with a divine mission. We have many non-

Muslims: Hindus, Christians, and Parsis—but they are all Pakistanis. They will enjoy the same rights and privileges as any other citizens, and will play their rightful part in the affairs of Pakistan."

Any doubts about the intentions of the Quaid-i-Azam after the establishment of Pakistan regarding the reduction of the All India Muslim League from the stature of a National Organisation to the status of an ordinary political party like other parties, should be set at rest in the light of the following Press Note published by his authority in the *Dawn* of February 29, 1948:—

"Since the meeting of the Pakistan Muslim League Council held in camera at Karachi on February 21, 1948 and the following days, somewhat different and incomplete versions have appeared in the Press," states a Press note (issued by the Staff of the Governor General of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah):—

"It is therefore, thought necessary in public interest to clarify the position, particularly with regard to the amendment of Pir Sahib of Manki Sharif which was to the effect that no official should be eligible to hold any office in any organisation of the Muslim League Party, except the Quaid-i-Azam.

"*The All-India Muslim League represented fully the Muslim nation of the sub-continent of India and had for its main objective the establishment of Pakistan. Since the division of India, the All-India Muslim League was, by the last decision of the Council of the All-India Muslim League, split up into the Pakistan Muslim League Council and the Hindustan Muslim League Council* and they were requested to frame their own constitutions, rules, policy and programme as they considered advisable in view of the vital changes that had taken place because of the Division of this Sub-continent. Accordingly, the Pakistan Muslim League met to consider the constitution and rules of the Muslim League party in Pakistan.

"Therefore, *it is necessary to understand that this is going to be a Muslim League Party and not a Body representing the Muslim Nation as the All-India Muslim League undoubtedly was*. What this meeting was called upon to do was entirely different, and that was to form

a Muslim League Party and frame the constitution and rules of that body as a Party.

"When the amendment of Pir Sahib of Manki Sharif was placed before the House, the Quaid-i-Azam made it absolutely clear that before the discussion took place, he would like the position to be understood properly by the House. When the Pir Sahib emphasised the exception in favour of the Quaid-i-Azam, all parts of the House received it with great enthusiasm. But in order to make his position quite clear the Quaid-i-Azam stated as follows:—

"While I am very thankful to you, Pir Sahib, and the House who so warmly welcomed the exception in my favour, I regret, that I *cannot possibly accept any office in the Muslim League party as it is going to be and must be.*"

"His reasons were briefly as under:—

"By virtue of the fact that he held three offices of State, namely, the Presidentship of the Constituent Assembly and the Federal Legislature, and also the Governor-Generalship, *it was impossible for him to be head of any party or president of a party organisation*, for in the discharge of his duty, as laid down in the Indian Independence Act, the Government of India Act, 1935, the Orders in Council and the Rules, *he must hold the balance evenly and fairly amongst such parties as may come into extstence or be formed from time to time. On principle it was undesirable to make an invidious exception.*

"If the House was going to hold that no official should be an office-bearer of the Muslim League Party organisation, then in his opinion they should make no exception, unless there was a paramount necessity in the larger interests of the Nation to do so. He, therefore, asked the House not to press the amendment making an exception in his favour.

"It was after this that the amendment was modified by the Pir Sahib and the exception in favour of the Quaid-i-Azam was deleted. The amendment was then put to the House, as modified and was carried by a fairly large majority."

It has been argued that there would have been no talk of separation, no question of the partition of India, if the Muslims of India had received fair treatment at the hands of the Hindu leaders who swayed the passions of their community. Mr. H. S. Suhrawardy made this point in the Parliament in Karachi on April 22, 1957, when he said:—

> "Had the Muslims not been suppressed or treated as an inferior community; had the Muslims been allowed religious freedom; had they been permitted to perform their religious obligations without fanatical obstructions; had not the whole trend of power politics in India been in the direction of turning Muslims—with their roots in India, with their glorious past, with their grand traditions—into hewers of wood and drawers of water; had not their their culture, their religion and their language and their customs been kept under the protection of government swayed by anti-Muslim sentiments; in short had the Hindu leaders not shown themselves intolerant of understanding, there would have been no talk of partition.
>
> "Partition, therefore, was not inevitable, when we started the struggle. Partition became inevitable, at the end when the Hindu leaders could no longer be tolerated by the Muslims."

Mr. H. S. Suhrawardy speaking in the Dacca Session of the Parliament on October 10, 1956, went so far as to assert that although the Lahore Resolution appeared to endorse the Two-Nation theory, it actually never did so. It threw it over board when it visualised in the same resolution that minorities would be left behind in the two countries of Pakistan and India. The Two-Nation theory carried to its logical conclusion, according to him, would have connoted total exchange of population—creation of a completely Hindu nation in India, and the creation of a completely Mussalman nation in Pakistan.

Mr. Suhrawardy pointed out that by a strange illogicality, all the non-Muslim nations were lumped together as one Hindu Nation. The real reason for the advancing of the Two-Nation theory was the justification for the Partition of India, and the creation of a State made up of geographically contiguous units where the Muslims were numerically in a majority. Once that State was created, the Two-Nation theory lost its force even for Muslims. If it is still persisted in, Mr. Suhrawardy

declared, it will logically lead to the partition of Pakistan, and the creation of a State made up of contiguous areas where non-Muslims are in a majority, a contingency from which every Pakistani must recoil with horror. He continued :

> "The Muslims who were a nationality in undivided India, are now citizens in their own country, Pakistan, in which every citizen, whatever may be his religion is a member of the Pakistani nation........
>
> "In my opinion this problem must be viewed only from one angle, namely, what is the interest of Pakistan. As I have pointed out, joint electorate will help to create one country and one nation and destroy all fissiparous tendencies. Separate electorates will keep alive the flame of differences based on religion, which will in their turn lead to differences in outlook, and even discrimination between citizens and citizens........Separate electorate is unhealthy, if one wants to create a nation. It is useful, if we wish to divide. It is a powerful weapon for division.
>
> "If we search our hearts sincerely, we shall find that the present Muslims' demand for Separate Electorates is based on deep suspicion and distrust, and even hatred, of the non-Muslim elements. Generations will pass before that will heal. But the process of healing must begin, and living, as we must, side-by-side with the realistic conviction that the transfer of population is impossible, that the migration of the 4½ crore of Muslims in India, may well result in Pakistan being swept into the sea, we have to accept the fact that Pakistan will remain a country inhabited by Muslims and non-Muslims, all of whom must have equal rights and are entitled to be treated as equal citizens."

Another reason for joint electorate, is traced to the fundamental principles involved in the republican constitution of Pakistan. In the Preamble of the Objectives' Resolution passed on March 12, 1949, by the first Constituent Assembly of Pakistan, it is said : "Whereas sovereignty over the entire universe belongs to God Almighty, and the authority which He has delegated to the State of Pakistan through its people........etc." Again in Clause 'A' of this Resolution, it is stated : "......The State shall exercise its powers and

authority through the chosen representatives of the People". Clause 'B' of the same Resolution reads : "The principles of democracy, freedom, equality, tolerance, and social justice,......shall be fully observed". Clause 'D' declares: "......Adequate provision shall be made for the Minorities freely to profess and practise their religions, and develop their cultures". Clause 'F' assures "wherein shall be guaranteed Fundamental Rights, including equality of status and opportunity before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship, and association, subject to law and public morality". The last paragraph of the Resolution concludes, "So that the people of Pakistan may prosper, and attain their rightful and honoured place among the nations of the world, and make their full contribution towards the international peace and progress, and happiness of humanity".

It is evident from these extracts that the Objectives' Resolution visualises delegation of authority to "the people of Pakistan"—without distinguishing between Hindus, Muslims, etc. Secondly, Authority is to be exercised by the representatives of these "people"—again without any communal distinctions. Thirdly, there is going to be no restriction on the minorities in the profession of their respective religions. Fourthly, equality of status and opportunity before law is guaranteed to the minorities. What does "equality of opportunity" imply if it does not cover equality of the opportunity to elect parliamentary representatives? Again there is a provision for political justice. How can there be political justice if the minorities are permanently ousted from the main stream of public activity in the polity? Fifthly, the Objectives' Resolution leaves no doubt that the primary purpose for the establishment of the State of Pakistan is to ensure the progress and prosperity of the whole "people of Pakistan", without any differentiation between Muslims and non-Muslims, or any other sects.

It is, therefore, maintained* that jointness is prescribed in the very conception of our Constitution."......What are the provisions of the Constitution?......When such laws would be brought before the National Assembly, the members of the National Assembly, composed of Muslims and non-Muslims, will have to take a decision. Here the Two-Nation theory was not adhered to, by debarring non-Muslim members from

*Mr. Basant Kumar Das in the East Pakistan Assembly's Debate on October 1, 1956.

taking part in such a decision ......By this provision jointness is established in the very Constitution.

"Then with regard to the other matters, take for instance, the case of the election of the President. The President is to be elected from the electoral college composed of the members of the National Assembly, and members of the Provincial Assemblies of both wings. Then they will have to vote together, and elect one for the Presidentship. Here also the Two-Nations theory stands abandoned......

"The other provisions in the Constitution are to enable the members of the Provincial Assemblies and of the National Assembly to take measures as will aim at establishing a welfare State......a socialistic State—as would do away with the disparity of wealth and all existing inequalities in the economic field that hamper the growth of the nation. In enacting those provisions the Muslim and non-Muslim Members of the Constituent Assembly took part. There was thus jointness of action of the members, as equal citizens.

"Then for enacting legislation, for working the Constitution, in the National Assembly, and in the Provincial Assemblies, all members thereof will act conjointly, and no question of a Muslim Nation or a non-Muslim nation would ever arise......

"In the Constitution it has been provided that all Minorities and majorities are equal Citizens and shall have equal rights. So the Minorities and the majorities have been placed on the same footing.

"Now if there be an equal right, then the minority has got equal right to elect its representatives. He has got equal right. How can you curtail his right? He has got equal right to elect any one of the Citizens, be he a non-Muslim or Muslim.

"This is a very fundamental right in a democratic country."

Jointness or the concept of common citizenship is also upheld by the Declaration of Human Rights, formulated by the United Nations, of which Pakistan is one of the signatories:

> "*Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives. Every-

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*Mr. Basant Kumar Das in the East Pakistan Assembly's Debate on October 1,1956.

one has the right of equal access to public service in the country. The will of the people shall be the basis of the authority of the Government. This will be expressed in periodic and genuine elections, which shall be on universal and equal sufferage and shall be held by secret votes, or by equivalent free voting procedure,"

The words "universal" and "equal" signify that all adult members of the people should vote, and everyone should have equal right to vote, equal in extent, and equal in value. It is argued that the restriction that Hindus are to elect Hindus from a particular area, and Muslims of that area to elect Muslims, would lead to the creation of compartments, and thereby destroy the equality which is the underlying intention of the Declaration. Therefore, having regard to the provisions of the Constitution, and having regard to what has been declared in the Declaration of Human Rights by the United Nations......the jointness is there, and a Citizen is to exercise his right on the basis of the jointness of that right, whether he is a Muslim or Hindu.

It has further been argued that from the very nature of a democratic State, it follows that all the citizens have the natural right to select the best candidate from the totality of the nationals, in their particular territorial constituency. Under separate electorate the citizens will be denied this commonality of nationhood, although they continue to be compelled to render common homage to the State authority. This will be against the fundamental principles of representative government, which presuppose a community of national interests, before a common State is evolved :—

*"If one territorial constituency is to elect its representatives, every citizen thereof would try to select the best man possible, and if he wants to select a person who does not belong to his faith, he has got that right.

"How can you put a restriction on that right? If you had it, you will destroy the totality of the citizens of the territory from amongst whom a citizen is to elect his representative. Hindus to elect Hindus from a particular area, and Muslims of that area to elect Muslims, would lead to create compartments, and thereby

*Mr. Basant Kumar Das in the East Pakistan Assembly's Debate on October 1, 1956.

destroy the Equality, which is the underlying intention of the Declaration. That will effect his Fundamental Right.

"Take for instance a simple case. Can you legislate that when there is illness of a member of a Muslim family, he will have to call in only a Muslim doctor? To exercise his right of franchise, he should elect the best man to represent his cause in the National or Provincial Assembly. He has Equal Right, and that equal right cannot be curtailed in any way.

"What is this Separate Electorate ? It means that Hindus should elect Members for the Provincial or National Assembly only from the Hindus, and Muslims should elect members to the Provincial Assembly and the National Assembly only from Muslims. That would go against what has been stated in the United Nations Declaration. It will be an infringement of this Declaration. It is the Natural Right of the citizen, that stands recognized in the Declaration, which he should be allowed to exercise."

The Religious Argument

The application of the religious argument in support of joint electorate can conveniently be classified into three categories.

In the first place, certain extremist Hindu members of the Constituent Assembly of Pakistan challenged any link between Religion and State. Separate electorates are advocated allegedly to implement Islamic principles. But these members asserted that such principles themselves are either out of tune with the spirit of the modern industrial age, or at least they cannot be reconciled with the democratic and parliamentary form of Government. Therefore, there can be no question of shaping the system of electorates in conformity with these principles. The Muslim members of the Constituent Assembly refuted this line of reasoning by establishing that the essential and fundamental principles of Islam embody the most advanced spirit of Science as well as Democracy. However, this progressive interpretation of Islam clearly postulated values which can only be realised through joint electorate.

Secondly, joint electorate was positively supported on the basis of Islamic teachings.

Thirdly, it was pointed out that separate electorates are a danger to many vital interests of Mussalmans.

Let us study these propositions one by one :—

1. *Religious link with State undesirable*—It was asserted that Pakistan is a democratic parliamentary republic. Attempts to *"sew the Islamic design" into the structure of such a State are "an impossible task. You can have it either Islamic, or parliamentary, not both at the same time." †"In their zeal for Islamic Constitution, they have brought medieval theocracy in the 20th century......There can be no synthesis between theocracy and democracy."

"......‡The founders of the State—I will mention only the two greatest of them—the late Quaid-i-Azam and the Quaid-i-Millat, were for aught we know of them, parliamentary democrats in their outlook."

*In this connection one member § recalled a conversation with Shaheedi-Millat Liaquat Ali Khan :—

> "Some of the Muslim League members were also present there. One of them remarked, there is a lot of criticism in the country as we are delaying in framing the Constitution, we should at least pass an Objectives Resolution.
>
> "The late Prime Minister said in reply: 'The Quaid-i-Azam's idea was to go slow about Constitution-making; the achievement of Pakistan had encouraged the Mullah element; we were likely to be overwhelmed by them; and the Quaid-i-Azam also held: we need have no Objectives Resolution, that would only create unnecessary complications'......"

"......¶No doubt, religion played a very important part during a certain stage in the history of the development of the human race.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on October 7, 1953.

†Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

‡Mr. Bhupendra Kumar Datta in the Pakistan Constituent Assembly Debate on October 7, 1953.

§ Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on October 7, 1953.

¶Mr. Jnanendra Chandra Majumdar in the Constituent Assembly Debate on 23 October 1953.

"When the human race was steeped in the darkness of superstition and ignorance, when the society was not organised and developed, when even the elementary principles of Science were unknown, it was then only that the various religions in different regions of the world were necessary, and utilised by the Heads of States to bring up the Human race and society to a higher level of development.

"But the modern time is a highly developed scientific age, and the human race has gone up far above the level of medieval civilization. Now in every advanced and progressive State, religion has been, and is being separated from the functions of the State.

"So although Islam, like other religions, prescribes lofty ideas and principles, many of these principles were meant mainly and primarily for much simple social organisations of the medieval period, and are quite unsuitable for the highly complex social organisations of the modern times, and will stand in the way of progress and advancement......"

*"......It is a universal phenomenon that religion is a cultural super-structure of the economic prosperity, stability, contentment and placidity as it prevails in a particular age........

"If we can by our earnest effort lay the foundations for the material prosperity of the nation, the rest will follow as a matter of course.

"If on the other hand, it is power and power alone that you seek, for Heaven's sake, hide it under any cloak other than religion.

"The present is an utterly restless age. Let us diagnose its causes and find out how best we can bring about peace, prosperity and contentment in the life of our masses, and find out if by the constitution we are solemnly pledged to frame, we can go forward to that consummation.

"The hour of the day we live in is wholly unsuitable for religious experiments, particularly for religious experiments in fields mundane, like politics and constitution-making."

"......†Let me submit that the conditions of the 7th century when the Quranic laws were promulgated were different from the conditions

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on October 7, 1953.

†Prof. Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

of the world and our country today. The society has changed, and is changing every moment. No State should attempt to go back to the 7th century, because it would be taking back the hand of the clock. No one can fit in laws of the 7th century into the laws of the 20th century. If you try to apply those laws into the set-up of today, you will be landing yourselves—ourselves as well—into endless difficulties."

*"We have enough of pertinent problems on hand of a physical, economic, geographical, cultural, diplomatic and military nature to solve and we should be wise enough not to add to them others of a religious nature—a thing always fraught with the most deadly dangers and difficulties. It has been well said :—

> "A religious man need not have religion. 'Christ was not a Christian; Mohammad was not a Mohammadan', is a wise saying. If those had been religionists, there would be no hope for their religions today......
>
> "The spirit of grab has vitiated the teachings of our masters. Religious institutions head the race for power. No worldliness exceeds that, which is frequently manifested by the self-constituted custodians of the other world."

"......†You cannot make a man a pure Mussalman, or a pure Hindu by outward legislation. It is a matter of inner purification and inner purity."

In an effort to prove that Islamic laws are not suited for a modern society, and hence the Constitution or the electoral system of a parliamentary State should not be formulated on the basis of religious distinctions, various verses of the Holy Quran were quoted ‡from Hamilton's translation of Hidaya (a commentary on Muslim Laws) II Edition e. g. Surah 6, Verse 41 (Cutting of hands for Theft); Surah 24, Verse 2 (Whipping for adultery); Surah 24, Verse 31 (Purdah); Surah 33, Verse 33 (Segregation of women), etc.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly debate on October 7, 1953.

†Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

‡Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

It was argued* that in view of the Islamic provisions against interest, difficulties would be created in passing the budget of the State, as well as in drawing the investment of foreign capital in the country. Different religious sects and contradictory schools of jurisprudence within each sect would further create complications. The laws of procedure in the courts, such as the law of evidence, would have to be amended. Two pious male witnesses would be sufficient for the conviction and sentence of any citizen. One sect would object to raising a mausoleum over the Quaid-i-Azam's grave. There would be objections to music, drama, cultural shows by girls, and even to photography. Literature, specially fiction, might have to be proscribed. Marriages would be annulled by sectarian convictions. And so on, and so forth.

In view of the likely complications—both internal and international—for the State, that the introduction of religious principles into its structure will lead to, it has been urged that Pakistan should follow the example of Turkey in granting equal and identical franchise to all its citizens.

The following quotation from the Introduction to "The Constitutions of the World" compiled by Mr. M. B. Ahmad, Secretary to the Constituent Assembly of Pakistan, "under the advice of the Quaid-i-Azam" was cited:—

> "Turkey today is soberly national, republican, secular and pro-socialistic.
>
> The republic as a result of reaction to her tragic past, is based on the principles of nationalism, as opposed to pan-Islamism; democracy, as opposed to autocracy; evolutionism, that is, adaptation to circumstances, as opposed to conservatism; laicism, that is, separation of the State from the Church; and State ownership of the principal means of communications, industries, mines and public utility services, as opposed to the unplanned economy of the previous regime......
>
> "It goes without saying that a State is an ever-changing, ever-growing organism and just as a dress made for an infant child, however

*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on 9 October, 1953.

well-made, cannot be expected to fit him as he advances in years, so state-craft and a social order conceived by our fore-fathers a thousand years ago cannot be expected to answer our twentieth century needs, without stretching it to a tearing point......"

"......*Turkey, the first of the Islamic countries to step into the modern age, declares by Article 3 of its Constitution that sovereignty belongs unconditionally to the nation.' Similar is the purport of Article 34 of the Constitution of another great Islamic democracy, namely the United States of Indonesia, which has the toleration to retain the Geruda as the State emblem.

"About the beginning of this year (1953), General Neguib was reported to have given a stern warning to certain extremist elements which were demanding that the new Constitution should be based on Islamic principles. His crushing reply to them was that 'religion was for the individual but the country for all', and that the 'Cross and Crescent will shine together in the Egyptian sky.'

"Political wisdom dictates that we should keep abreast of these and other progressive nations. In these days of increasing closer association of nations, we can remain in ideological or any form of isolation only at our own peril......"

†"Go to the West, there is no country where you find such a thing. Go to the Middle East, where there are Islamic countries, of which our Government is very proud. Is there any instance of separate electorate there?

"Go to Indonesia in the East which is also a Muslim country. Is there anything like that? No.

"In Egypt there are lot of Christians. Is there any separate electorate for the minority there ? No.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on 7 October, 1953.

†Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on 15 April, 1952.

"In Russia there are millions of Muslims. In China there are millions of Muslims. But they have no separate electorate........

"......This Government is going to do something here unprecedented in the history of the world, and the same precedent can only be seen in the history of the colonial imperialists, who wanted to divide and rule, and keep other people in subjection."

"......*Even the best brains amongst the Muslim League, I am afraid, will not be able to solve the difficulties that will arise, in hundreds......

"......When you go counter to the Age, you inevitably create many unnecessary difficulties and unknown problems. I beseech you to show some wisdom by letting the dead past bury its dead......You can never bathe twice in the same river.

"To put in into political terminology, I shall quote from Jafferson's famous letter written in a somewhat different context to Madison:—

'Our Creator made the earth for the use of the living, and not of the dead; that those who exist not, can have no use nor right in it; no authority or power over it; that one generation of men cannot foreclose or burden its use to another, which comes to it in its own right, and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts; these deriving their obligation from the will of the existing majority, and that majority being removed by death, another comes in its place with a will equally free to make its own laws and contracts.'

"Introduce religious elements into political affairs and you sanctify things that would appear horrid to the world we live in. Democracy and religiosity cannot go hand in hand. Democracy, as we all know, grows by criticism. But bring in religion, and you make people intolerant of diversity of views.

"We all know, for instance, some leaders of the country have been advocating a unitary form of government of the country. Whether that is

*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on 7 October, 1953.

suitable or not for this peculiar geographical entity has to be discussed patiently on altogether a different plane. But some people have already started calling these leaders 'Munafiqs'.

"Now, once we proceed on the basis of these unwise recommendations, there will probably be launched all that process of excommunication and inquisition—sometimes secretly held—and whatever may follow in the course of heresy-*cum*-power hunting as we find in medieval history.

"Provisions of the nature we are discussing may look innocent, near the tip of our nose. But they are incalculable in the forces they are capable of generating, and ambitions they will so unequitously arouse. Those forces and ambitions always grow in geometrical progression and soon outstrip the control of those who unwittingly give them incentive, merely to enjoy or cling to power. Rather, they are overpowered and swept away by the storm they themselves raise.

"We had some proof of it at Lahore and elsewhere in the country after the publication of this Report."

"........We should pay heed to an influential local paper which warns:

> 'Reactionaries, claiming to be the sole custodians of the Quran and the Sunnah, have been Islam's worst enemies in every country and in every age ever since the end of the brief Golden Age of the Khulfa-i-Rashideen.
>
> 'Indeed their mischief began its work almost immediately after the death of the Holy Prophet. It was largely because of their machinations that one Muslim Empire, after another, was corroded from within, until it fell like a rotten fruit into the lap of its enemies.
>
> 'So was Spain lost to Islam, and so did the Ottoman Empire crumble into ruin. And these are only two instances. Who does not know that when Hilaku Khan's invading horde was at the gates of Baghdad, the Mullahs were busy inside a mosque hotly debating whether the crow's flesh was *halal* or *haram* for the Muslims."

"*The teachings of the Quran and Sunnah are not obligatory upon these non-Muslims. They forget that the personal laws of these non-Muslims cannot be touched by the laws of the Quran and the Sunnah, and some of the personal laws of these non-Muslims are at variance with those in the Quran and the Sunnah."

†"You are making an Islamic Constitution: you will have the State laws transformed by Shariat laws; you expressly prescribe that the religion of the Head of the State shall be Islam. In the atmosphere you thus create, what is going to be our lot under separate electorates in which the ruling community will, by the very nature of things, feel little concerned even if we are wiped out?

"I anticipate the reply, that in an Islamic State we shall have no cause for any such anxiety. For, it has been said that 'the great foresight and political acumen of Mahammad is to be seen in the Charter he granted to the Jews in which among other things it was declared that they were as much the citizens of the new State as the Muslims themselves, that the two branches of the men of Yathrib were to form one composite nation, that the guilty would be punished whatever their faith, that both would be called upon to defend the State when need arose and that all future disputes would be decided by the Messenger of God'.

"It was a perfect declaration so far as it went in those days of personal rule. And the composite nation of Muhammad's declaration, if his followers of these days would be guided by his charter, can be brought about under conditions of representative government, only by a rystem of joint electorate.

"Separate electorate, as recent developments have conclusively proved, makes for separate nationalities. Shall we take it, that while the authors of the B.P.C. Report are swearing by the name of Islam, they are ready to violate the teachings of the Prophet of Islam, when it comes to the question of sharing power with their fellow citizens?

"Under separate electorate, we are the sport of personalities and of passing whims and fits of generosity or cruelty or greed. This we do not want to remain.

*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on 9 October, 1953.

†Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly on October 7, 1953.

"We want our rightful place in the body politic which we are denied under this artificial, anti-national and anti-democratic device invented by our foreign oppressors. Now that we have got rid of them, we want our rights back.

"Why should the 86 per cent of our people be in such mortal dread of the remaining 14 per cent that they would not have them represented except as mere show-boys to function in an eternal mockery of a parliamentary opposition?

"We do not want to remain a protected community, a tolerated community, as people were in the Middle East twelve or thirteen hundred years ago.

"We are not a conquered people, and pray do not propose to treat us so, as you do under separate electorate. Apart from our fate, I appeal to the House and to the majority community that for the better integration of the State and the nation itself let us function as equal citizens and let us make our full contribution towards the building up and progress of the nation. We are neither morally nor intellectually a community of dwarfs. Nor are we yet very poor in numbers.

"Man for man, we can contribute to the growth and strength of the nation no less than any of the others can. While, therefore, you are framing the permanent Constitution of the country, pray look to the broader interests of the nation, to the generations ahead, and not to your immediate selfish interests, and do not keep us sulking in separate out-houses."

On December 22, 1952, Khwaja Nazimuddin who was the Prime Minister at that time, presented to the first Constituent Assembly of Pakistan, the report of the Fundamental Rights' Committee, which recommended separate electorate for all the communities. The following note of dissent from three non-Muslim members of the Fundamental Rights Committee fully reflects the attitude of the minority representatives:—

"We strongly dissent from the decision of the majority that the Caste Hindus, the Scheduled Castes, the Budhists and Pakistani

Christians should have separate electorates in the Constitution of Pakistan. This is good neither for any of the above sections of the public nor for the State.

"While during the British rule there were two divisions among the people, now in their place there will be at least five divisions among the people. Members elected by such separate electorates are likely to have sectional and communal outlook which will impair the unity among the different communities and the solidarity of the State.

"Such electorates will cause a perpetual communal majority and communal minority, most unsuitable for a democratic country, as also for the freedom, growth and self-expression of its component parts.

"Under separate electorate the minorities will live under a permanent sense of insecurity and inferiority, as they will feel that they live on sufferance.

"We are in favour of a joint and common electorate for all sections of the people with reservation of seats for a limited period, for the backward classes like the Scheduled Castes, Budhists and others. All separate electorates, whether for a limited period or otherwise should be given up."

The representatives of the minorities on November 2, 1953, staged a walk out from the Constituent Assembly, making the following statement.

"Duringthe discussions, there was repeated insistence on the "Two-Nation Theory". While the Muslim majority in the Assembly took a decision that no legislature should enact any law repugnant to the Holy Quran and the Sunnah, our modest claim that our personal law would not be interfered with or declared void on the ground that it was repugnant to the Holy Quran and the Sunnah, has been denied.

"I cannot but object to the principle of setting up an organization by the Government for the purpose of propagating any religion

to the people which is likely to create suspicion in the mind of any community.

"It has been proposed that the name of the State should be "Islamic Republic of Pakistan", deviating from the original report where it is named as "Pakistan" only.

"It has further been proposed that the Head of the State should be a Muslim. This tramples on the principle of equal rights of all citizens and implies an inferior status for the non-Muslims.

"While all the representatives of the minorities in the Constituent Assembly have demanded joint electorate, and inclusion of all persons in one common electoral roll, irrespective of caste, creed or religion, the Muslim members in the general discussion, including the Honourable Member for Law, who is piloting the Report, have all opposed it and decided to thrust separate electorates on us, even to the extent of subdividing the Hindu community into two separate electorates. This arrangement, proposed in the Report, has divided the citizens of Pakistan into five separate electorates. It is the denial of democratic human rights.

"Further, the method of arriving at decisions in the House is undemocratic and definitely prejudicial to the interests of the minority."

2. *Islam permits joint electorate.*—The second form of the religious argument in support of joint electorate is that Islamic teachings can only be implemented in a parliamentary government, through a common franchise.

"......*The Government members often wax eloquent that this is an Islamic State, and they have explained that this State is based upon the principles of Islam, one of which is equality. May I put this question to Government—whether this equality is to be observed in the case of the followers of Islam only, or in the case of the minorities also, the non-Muslims in the State?

*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on April 15, 1952.

"If the latter is to be true, why is the Government going to deprive a large number of the minorities in the State of their equal rights by the introduction of separate electorates?"

"*When a State includes professors of different religions, in that case broad-mindedness and toleration are not only religious, but political measures. In the Al-Quran, God says:

"La Ikraha fiddin."

"Let there be no compulsion in religion".

"In a case between the members of two communities—one is a Muslim, the other is a Hindu; one is a Christian and the other is a Hindu—then it would be a decision by the law common to all, because, God is the author of unity, peace and morality. It is blasphemy to think Him otherwise, the author of division."

"........†The Sovereignty over the universe may belong to God Almighty, but when we come to the State of Pakistan, that sovereignty is to be exercised by its people.

"That is the rational explanation, whatever may be the obscurantists' interpretation of the Objectives Resolution.

"The act of delegation of authority, as we find it there, whenever and wherever that act has taken place, that being over, the sovereignty of the people is final and absolute, undiluted and unfettered. Otherwise that delegation is a half-measure, an act with an *arriere pensee*, which has no place where an Act of God Almighty is concerned.

"Or, does the God of our conception, like Descartes' God, descend every millionth of a moment on the pineal gland to change the physical series of sensory actions, or external stimuli, on the nerves, into the mental series of ideas and emotions, or "passions" as Descartes calls them?

"Is the God of our conception incapable of working through the will of the chosen representatives of the people of Pakistan? If not, then why

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*Sardar Asadullah Jan Khan in the Pakistan Constituent Assembly Debate on October 8, 1952.

†Mr. Bhupendra Kumar Datta in the Pakistan Constituent Assembly Debate on October 7, 1953.

make God or His words, or His special agents intervene at every stage of our State affairs? Why then in the name of God put in the relevant, rather irrelevant, provisions of Chapters II and III of Part I?"

"......* There are two types of non-Muslim citizens in an Islamic State: 'Zimmi' and 'Mo'ahid'.

"Generally the word 'Zimmi' is used for all, and sometimes people object to its use, because they do not know the meaning of the word. Unfortunately they think that it carries with it an idea of subjection.

"As I have already stated, there aretwo types of non-Muslim citizens: One type is 'Zimmi'; they are also entitled to the protection of the State.

"The other class is known as Mo'ahid—those who become citizens on the basis of agreement.

"Zimmi is one who becomes citizens of an Islamic State on the conquest of a territory. But those non-Muslim citizens whose territory has not been conquerred, though generally some Ulema describe them as Zimmis, the proper word for them is Mo'ahid which means one with whom there is an agreement.

"So far as Zimmis are concerned, they have got their own very valuable rights but as regards Mo'ahids our Holy Prophet has stated:—

> 'Beware, if anybody commits any high-handed act against a Mo'ahid or reduces any of his rights, or burdens him with something beyond his capacity, or takes away anything from him without his consent, I will stand as a complainant before God against him on the day of Judgement.'

"†I ask my honourable friends if they remember that there was a person known as the Prophet also. The Prophet of Islam had a certain method of living. He had minorities with him; he had Jews with him, he had Christians with him; and he had other minorities with him. How

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*Sardar Abdur Rab Nishtar in the Pakistan Constituent Assembly Debate on October 26, 1953.

†Sardar Shaukat Hayat Khan in the Pakistan Constituent Assembly Debate on October 13, 1953.

did he treat them? He treated them according to the agreement, according to the justice, understanding and the promise he gave to them.

"He did not go back on his promise as the majority have shown to the minorities here, as it would appear from the reports. Have not they gone back on their promises in one way? When the minorities ask for joint electorate, it is denied to them.

"Why the Hindus do not have this right of joint electorate? You have got no right to give them Separate Electorate, when they ask for joint electorate. You give them something which they do not want.

"It would not only affect the future generations of these people. We would ask the gentlemen sitting opposite to show me some reason whereby they are trying to impose a certain system on a certain people.

"I am absolutely frank: if Islam means hypocrisy, if Islam means telling the untruth, if Islam means putting up subterfuge, if Islam means trying to produce things like this, then, I am afraid, my Islam is slightly different from the Islam these gentlemen profess, because the Islam I was taught was not taught in this way, Islam to me means truth.

"Temporary expedience does not appear in my Islam, I am confident that Muslim people will send the jurists, Muslim people will send eminent stalwarts, who will come and legislate in spite of the fears and in spite of the stumbling block which hypocrites may put in their way."

Another line of approach adopted to prove that the Islamic principles when applied to a parliamentary form of government, can only be implemented through joint electorate, was the academic argument. Mr. Bhupendra Kumar Dutta speaking in the Pakistan Constituent Assembly on October 7, 1953, went into an elaborate and scholarly study of what is the essence of a State. Quoting from Blackstone's commentaries he said:—

> "The power and jurisdiction of Parliament", says Sir Edward Coke, "is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds............ This being the place, where the absolute despotic power, which must in all Governments reside somewhere, is entrusted by the Constitution."

This is exactly what can be known as the sovereignty of the people under the parliamentary system of government."

Mr. Bhupendra Kumar Dutta conceded that the foremost Muslim political thinkers like: Ibne Abi'R-Rabi (9th century), Farabi (870—950 A.D.), Mawardi (10th century), Nizam-ul-Mulk Tusi (1017—1091 A.D.) and Ghizali (1058—1111 A.D.) were aware of the four theories of the evolution of the State, today recognized by political science. These four theories are: (*i*) The contract method; (*ii*) The State based on sheer force; (*iii*) The patriarchal theory as we get it in Aristotle; and (*iv*) the modern evolutionary theory, that views the State growing as the result of the conflict of ideas, inherent in man and history.

"......* Ibne Abi'R-Rabi found it difficult how to make the Will of the Almighty work and prevail, except through the Head of the State, who must be the best in it. But there may be more than one claims to be the best. He, therefore, enumerated 13 qualities as criterion of the best: some of them being physical and mental superiority, love of knowledge and truth, love of justice and hatred of tyranny and oppression, and that he should consider this life as a passing phase, and live for the sole desire of doing good to his people...... Farabi who in a manner anticipated Hobbes who somehow comes to Rousseau's contract theory, sought to solve the difficulty, that Ibne Abi'R-Rabi had come up against, by the institution of *Raisul-Awwal*, who is to be somewhat of an all-knowing, all-powerful philosopher—Sovereign as we find in Plato.

"This *Rais*, according to Farabi, does not want to be instructed by others, and has the inherent capacity more than anybody else in the State, to control others.

"He is the possessor of the latent intellect as well as the gained intellect.

"Farabi criticized the Greek ideal of the sovereign as too high, but his is no less, and like Rabi, he sets forth a list of 12 abstract virtues for the sovereign.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly on October 7, 1953.

"Farabi knows that such a sovereign would not be available and so he contents himself with a lesser number of such virtues and then goes on to a small council, with an aggregate of those virtues.

"Farabi is conscious that he is unable to reconcile the two ideas, although at the same time he calls the modern type of political association: the 'State of Ignorance'. Nevertheless, his idea of a compact for mutual renunciation of rights is obviously incompatible with the idea of *Raisul-Awwal* running the State.

"Mawardi comes nearer to the American form of democracy, and wants the Head of the State to be elected by the community as a whole. He too gives some abstract qualities for the Head of the State, and if such an Imam cannot be elected, he may as well be nominated by the outgoing Imam. He also advocates what is the modern constitutional practice, that is, the Head of the State cannot overrule the Chief Minister.

"Thus Mawardi is already away from the Islamic State ideal, and leans more towards the ideal of the sovereignty of the people.

"Nizamul-Mulk Tusi, on the other hand, faces a great difficulty in co-ordinating Islamic principles with the Perso-Turkish thought and practice in politics. Thus in seeking to justify a hereditary king, he uses arguments advanced in favour of an elected President.

"But the clearest of the thinkers is Ghazali. He is also faced with the difficulty of reconciling the two ideas of sovereignty. 'He brings down', to quote Sherwani once again, 'Kingship to the level of the democratic Emirate, by hedging it with the ideal set up by the Apostle of Islam and his successors'.

"It was an extremely difficult task, for 'the two institutions', mark the words, 'were poles apart and Ghazali realizes his difficulty'.

"In the ultimate analysis, he defines politics as a science which deals with the proper order for the State affairs of the mundane category.

"It is true that the Caliphs of Islam were themselves in theory at least elected officers of the Islamic State, though in course of time it became hereditary. The rulers of Islam have been more or less supreme on the executive side.

"In theory, however, they have had to bow before legal principles enunciated by an outside Divine Agency. These are held to have been a check on their executive, as well as legislative, powers.

"......Ghizali, interpreting the teachings of the Prophet, maintains that the ruler is the Viceroy of God only if he is just, otherwise he is the Viceroy of Devil himself; and one day of justice is equal to 70 years of continuous prayer.

"He enumerates 10 rules of the conduct of government, chiefly in the matter of justice, which leave no room for any sort of punishment, whatever, without a proper trial. Exactly similar is the advice tendered by Muhammad of Cordova to the Khalifa.

"It is not Montesquieu alone who holds that climatic and similar other conditions exert great influence upon the life, culture and political conditions of a people. In Ibn Khaldun and Farabi also we find the idea: other climes, other political institutions.

"So must need they differ with age also. For instance, the Prophet of Islam, as ruler of Medina combined the functions of legislator, administrator, general, and Judge. Is that conceivable today, when an industrial civilization and new economic factors have made life so tremendously complex, crowded and swift?"

The proposition was supported by a Muslim Leaguer who is an advocate of Separate Electorates and an Islamic Scholar.

"*Let me first quote Imam Ibn-i-Qayyim who says 'Ahkamush-Shariat-e-tatabaddal-o-wal mamlokat-o wal makafaat-o wal ahwal' (that is, the relevancy of the laws of Shariat varies with the change in the time and place of the incident, and in the circumstances attendant thereupon).

Yet another justification for joint electorate, from the religious point of view, was presented when it was contended that self-seekers exploit the name of Islam to advocate separate electorates, while their purpose is to gain some personal end:—

*Maulana Muhammad Akram Khan in the Pakistan Constituent Assembly Debate on October 21, 1953.

"*The Agha Khan......took a deputation to the then Viceroy of India...... The idea was to preserve the landed Muslim aristocracy...... From 1919 to 1946 when Muslim politics were nurtured, they were represented in the legislatures by those people, whose economic and other interests clashed with the masses.

"Separate electorates were a device by the Mussalman landed aristocracy and the British, in order to keep the Muslims tied down to the British chariot-wheel.

"What was the result of separate electorates? The Punjab was ruled for a long time by the most dictatorial feudal class, represented by the Unionists. So was the case of the former Province of Sind, which was ruled by Mr. Hidayat Ullah and his party of reactionaries. Similar was the case in the Frontier Province.

"Thus reactionary ...... crooks talked in the name of Islam, but all the time they were serving the interests of the big landlords.

"Separate electorates did not achieve anything. It was the political consciousness which was brought about by the Qaid-e-Azam...... among the Muslims, which saved out Muslim masses from the clutches of the landed aristocracy............

"Can we say that as Mussalmans we are an idealist society, because we profess one religion, and that would constitute one 'Ummat'?

"Why are we suffering from social and economic evils?

"I am not one of those who decry religion. I am one who believes that Islam is a complete code. I am not one of those who believes that Pathans, Sindhis, or Punjabis are separate nationalities. I believe that Muslims who believe in one God and in the Finality of the Prophethood are all one.

"But I am also conscious that in this country there are persons, self-seekers, who always exploit the name of Islam for their self-interest.

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*Mian Muhammad Shafi (M.L.A. from Montgomery) in the West Pakistan Legislative Assembly Debate on 2 August, 1956.

"Islamic, economic, social, cultural and other ideals have never been interpreted in their proper light—the ideals for which Islam stands.

"Islam, as embodied in the Holy Quran and practised in the life of the Holy Prophet, represents the universal truth. I cannot believe, I cannot think of a Muslim, to whatever sect he may belong, who questions the universal message of Islam, and its day-to-day importance in the life of the Muslims ...... but it is really a pity that these people come forward with proposals which are calculated to protect only their class-interests."

Even some of the staunch supporters of separate electorates conceded that the fundamental Islamic principles stand for progressive forces, and compare favourably with the parliamentary states who do not make any distinction among their citizens on communal lines, while giving them franchise:—

"*You will find the same under-current of democracy and brotherhood running between the American Independence Declaration and the Message given by the Last Prophet.

"Therefore, kindly study our religion, our Prophet's teachings and our Islamic institutions in a more sympathetic manner, without any pre-conceived notions and prejudices and inhibitions, and you will find that, Insha Allah, Islam is still even today and for all times to come, able to deliver 'the modern goods' as you call them."

3. *Danger to the social integrity of Islam.*—It has been urged that the Mussalmans bifurcated India to establish a national State in Pakistan. It would lead to many complications, if they now insist that even in Pakistan they cannot build a national State:—

"†The fact remains that there is mistrust and misapprehension.

"What are you going to do about that ? The only solution to my mind is the developing of a national outlook, without which this nation cannot survive.

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*Ch. Nazir Ahmad in the Constituent Assembly of Pakistan Debate on October 9, 1953.

†Mr. Abul Kasem Khan in the Constituent Assembly of Pakistan Debate on October 22, 1953.

"In almost all matters, apart from those which are local, we must try and develop the national outlook, if we say and mean that we are One Nation.

"If some of us think we are not One Nation, we have nothing to do with them.

"We could not stay in Bharat, because we said, we are Two Nations, and that is why we have another country, an independent country, Pakistan, which we claim to be One Nation.

"If in this One Nation, the majority community, and also one which forms the government, in whose hands are entrusted the destinies of future generations of Pakistan, cannot behave and look at national problems from the national viewpoint, what is the future of the country?

"So, I say, the biggest challenge to our statesmanship, to our intelligence is how to develop a national outlook, and a national outlook can come only through a national leadership inspired by the broadest ideals of national outlook in all matters.

"That was supposed to be the dream of our Quaid-e-Azam; that I think, was the dream of millions of our humbler people who made countless sacrifices for a glorious Pakistan."

As an example of the sectarian and schismatic spirit generated by separate electorates, there was a demand that if the Hindu citizens of Pakistan are to be divided into different electorates, the Muslim citizens too should, under the same lagic, be divided into sectarian electorates:—

"......* If the government is so ruthless in vivisecting the Hindus in this Bill, may I ask the government: Why not vivisect the Muslims also into Shias, Sunnies, Momins and others, who also can claim separate representation on the same principles?

"I know the answer will be: they are an integral part of the Muslim community. Hands off from the Muslim community. That is no business of yours.

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*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on 15 April, 1952.

"May I say in the same strain: the Scheduled Castes are an integral part of the Hindus community. Hands off from the Hindu community. We can determine our matters for ourselves. Give us the right of self-determination.'

*"But it is not a question of Muslims and non-Muslims alone.

"Every sect and sub-sect as ever, claiming all its geese to be swans, where and when will any common ground be found among them? Why sow these unending seeds of disruption?

"I have already shown from the Muslim savants, that when you have to introduce the principles of religion into State affairs, you have to judge by abstract qualities the Head of the State, and as corollary all those who function in the administration, in one capacity or the other. That being so we, are creating new difficulties, where we have already a surfeit of them.

"Indeed, we are proposing to invent new crimes. And with espionage, persecution, and indiscipline, it will prove simply impossible to carry on normal administration, if the present recommendations are embodied in the Constitution.

"The Quran, Hadith, Ijma or the decisions of the Companions or the Disciples of the Prophet, and Qiyas, are said to be the four sources of Islamic Law.

"The Qiyas has been defined as 'analogical deduction derived from a comparison of the first three sources, when they do not apply to any particular case'.

"Now leaving this sphere aside (where opinion is bound to vary from individual to individual) does any agreement exist even in the interpretation, for example, of the Quran, amongst the different recognized sects of Muslims: namely the Sunnis, the Shias, the Ahmedias, and others.

"I would here point to the inevitable consequences of such narrow exclusiveness. Rid of the non-Muslims, the Western Wing has already launched on the prosecution of a sect of Muslims, from which the late

*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on October 7, 1953.

Quaid-i-Azam selected one of the first ministers .... for Pakistan.

"If that sect is somehow eliminated or suppressed, the next in order will come probably the Shias, and so on and so forth, and history will repeat itself as it was several hundred years ago.

"From communities, it will inevitably come to personal rivals. History is replete with such instances.

"Add to it the last part of the oath prescribed for the Head of the State. There will be no dearth of precedent for a future Head to quote and to claim his personal and public life as congenitally immaculate as also that of his progeny, and declare himself the hereditary King of Pakistan, once, taking advantage of his position, he can persuade either some military leaders or powerful political adventurers in that behalf.

"I have a deep respect for Islam, as for other religions. They have a great historical and cultural value, in that they helped in the sublimation of the primitive instincts of greed and lust, avarice and passion, which human flesh carried from its pre-human mould. But in your love for Islam, do you not feel you are doing an incalculable harm to Islam itself.

"Prominent ministers of almost all the Provinces of the State, have been found guilty of it. Many things have been said and known about some other Ministers, and many high officials.

"We see a report in the Press that no sooner the Basic Principles Committee's Report was published, than quite a number of Muslim divines began to hanker after membership of the proposed Board, to advise the Head of the State on legislation vis-a-vis the Quran and the Sunnah, and enquired about the emoluments that such membership carried.

"That is a symptom of the disease in the body politic. Our doctrines must have some relations to life, when at least we speak in the name of some religion. Else we insult that religion.

"In these conditions if we call our State an Islamic State, shall we not be guilty of bringing Islam into disrepute"?

Here it may not be out of place to quote a devoted supporter of separate electorates, for his view that the Movement for Pakistan from its very inception had to fight against the influence of the clergy in political affairs:—

> *"The personages against whom the late Quaid-i-Azam found himself pitched, knew the Holy Quran by heart and were well versed in 'Fiqah' while he himself was no more than a simple follower of Islam. But the blunder that was committed by our Ulema at that juncture was that they chose to co-operate with the Hindus.
>
> "Those were the days when all the leading Ulema of India in general, and those of the Darul-Uloom of Deoband in particular, were arrayed against him and the Muslim League.
>
> "As against this the Quaid-i-Azam, who had neither any beard on his face nor any flowing robes of piety on his shoulders, made a demand for a separate State where the Muslims could order their lives according to the teachings of Islam.
>
> "The result was that instead of following the lead of the Ulema, the Muslim masses responded to the call of the Quaid-i-Azam, for the simple reasons that he pledged himself to revive the Islamic way of life in the promised land of Pakistan."

"†With costly foreign clothes on the person, religion on the lips, and greed and avarice, lust, hatred, and jealousy at heart, we shall make a curious amalgam that will not redound to the glory and luster of the religion we seek to exalt by these constitutional provisions.

"Just for the sake of the prestige and position of an individual, reluctant to meet his own people in distress, we have seen, we see dozens of God's human creation killed, hundreds shot or otherwise maimed, and injured, the police indulging in the prank of teargassing innocent passers-by.

"If such acts of indiscriminate ruthlessness have to be perpetuated, for Heaven's sake let no sacred name of any religion be associated with any State capable of such crimes, but allow them to be done in the name of a mundane State.

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*Sardar Amir Azam Khan in the Constituent Assembly of Pakistan Debate on October, 1953.

†Mr. Bhupendra Kumar Dutta in the Constituent Assembly of Pakistan Debate on October 7, 1953.

"This 'Pay and Allowances according to dignity and status', is entirely a European conception. In this respect Islam has before it the ideal of its Great Apostle, who would himself feed his cattle, drive his camel, sweep his house, take meals with his servants, grind his own corn, and do his own marketing. Here is, what dignity in the Orient, as a whole, means.

"Having before us the great example of the Prophet himself; with behind us the traditions of Abu Bakar, when he was raised to kingship, retaining the same simplicity of life, dress, house and food, as before, and continuing to hold no work beneath his dignity; with behind us the tradition of Ali (the prophet's favourite Abu Turab, that is one lying in dust) even after his election as Khalifa going to the market with merchandise to sell for the maintenance of his family, and even after being granted an allowance, having nothing left at the time of his death, but an old sheet and a camel; with behind us the tradition of Khalifa Umar, never living in a palace, never having dainty dishes at his table—even giving up meat and olive during the famine, refusing in the case of illness to take prescribed honey from the Bait-ul-Mal, and always going about in a dress with a good many patches; with behind us the tradition of Usman, taking nothing from the Treasury, even spending his own money for State purposes, and having left nothing but one camel and one goat at the time he went on pilgrimage; and with the tradition of all these Khalifas having no guards at their doors—here we are, framing an Islamic Constitution, and still prescribing that the Head of the State shall have Pay and Allowances according to dignity and status.

"Ruling through Safety Laws, legislating by the issue of the party whips, and recommending that the State dignitaries shall be paid according to dignity and status out of a depleted exchequer, constantly being replenished by the life blood of a perpetually famished people, we still seek to annex the kudus (glory) of the authorship of an Islamic Constitution.

"'Heads I win tails you lose', is a business that should be relegated to its proper ignoble den, and should not be resorted to, when we stand or speak in the name of religion.

"If we accept these provisions, it would be only decent that we should not introduce the name of any great religion into the Constitution. That

will have the additional virtue of preserving the modern conception of sovereignty of the people untrammelled.

"Once in a way at least, we must see ourselves as others see us. To hold that the very appellation, or the non-mundane provisions of the Report will stem the tide of this corruption is a vain hope, and will appear unrealistic to those who know the springs of human action and conduct of the day.

"East Bengal has resentfully seen very much more inflow of alcohol after the arrival there of some of the new set-up, than ever before.

"We find West Pakistan very much more Europeanised than Islamic, in habits and costumes, since Pakistan has come into being.

"I would not mind it, rather I would welcome Europeanisation, were it, what it basically signifies, that is the advent of the age of reason and free thinking. That advent is essential, if we must progress in an industrial age.

"While we are making an attempt here to curb the modern notion of popular sovereignty in the name of Islam, I feel tempted to make reference to a speech of one of our colleagues here, who was also the Governor of our Province for sometime. He says here:—

> 'It is not enough that you should study science and adopt technological methods, you must also develop a scientific attitude towards life—an unimaginative ecclesiasticism had taught the people that all knowledge coming from outside sources was impious, being the knowledge of the infidel—we have to realize that such an attitude of the mind is not only a negation of Islam, but the surest way to our perpetual backwardness.'

"We are rather harping back from this modern outlook of life, a political constitution being the outer frame work, for the inner growth of the nation.

"It was, in the days of our national slavery that this vicious device was introduced. There were then amongst us people, who never thought

of or felt for or expected the freedom of our country, and they hoped to bask in the sunshine of the foreigner's favour for ever.

"It is they who wanted or were induced to clamour for separate electorates and easily got them. The foreigner was there to divide the cake among us and banked on that game for a permanent lease of life here. But today it is different. We had practically no citizenship then. We have it now.

"Let me quote the language of the paper, which, if province or unit be replaced by community and East Pakistan by majority community, applies *mutatis mutandis* to the non-Muslim minorities of the State :—

> 'East Pakistan wants that it being the big brother in the bargain, it must remain 'big' in all spheres of the nation's political life. Not only that but, by implication, it also wants that the 'smaller brothers' must always remain 'small brothers' and that, in no field, must they ever have any opportunity of standing on equal footing with him......
>
> 'How long, we respectfully ask, can you maintain a constitution conceived in that spirit, and force down the throats of sulking and frustrated smaller units by sheer force of the brutal majority that you command in the present Constituent Assembly?......
>
> 'Are you making this Constitution for your own time only? Have you approached this task in the spirit of 'After me the Deluge'? It would be a betrayal of the country as a whole, should such be your ideals and intentions'."

The argument that separate electorates are founded on an obsessionist's view of religiosity, that its implications are likely to destroy the social and national integrity of Pakistan, that such a reactionary interpretation of the glorious and noble faith of Islam is nothing less than a disservice both to Islam as well as Muslims, was most judicially summed up by the Munir Enquiry Report. The following quotation is significant:—

> *"The phantom of an Islamic State has haunted the Mussalmans throughout the ages, and is a result of the memory of the glorious

*A fuller extract is reproduced in the Appendices at the end of the book.

past, when Islam rising like a storm from the least expected quarter of the world—instantly enveloped the world; pulling down from their high pedestals, gods who had ruled over men since creation, uprooting centuries' old institutions and superstitions, and supplating all civilizations that had been built on an enslaved humanity......, spread from the Indus to the Atlantic and Spain, and from the borders of China to Egypt, and the sons of the desert installed themselves in all the old centres of civilization......

"It is this brilliant achievement of the Arabian nomads, the like of which the world had never seen before, that makes the Mussalmans of today live in the past, and yearn for the return of the glory that was Islam.

"He finds himself standing on the cross roads, wrapped in the mantle of the past, and with the dead-weight of centuries on his back, frustrated, and bewildered, and hesitant to turn one corner or the other.

"The freshness and the simplicity of the faith, which gave determination to his mind and spring to his muscle, is now denied to him, He has neither the means, nor the ability to conquer; and there are no countries to conquer.

"Little does he understand that the forces which are pitted against him are entirely different from those against which early Islam had to fight; and that on the clues given by his own ancestors, human mind has achieved results which he cannot understand.

"He, therefore, finds himself in a state of helplessness, waiting for some one to come and help him out of this morass of uncertainty and confusion.

"He will go on waiting like this, without anything happening. Nothing but a bold reorientation of Islam to separate the vital from the lifeless, can preserve it as a world idea and convert the Mussalman into a citizen of the present and the future world, from the archaic incongruity that he is today.

"It is lack of bold and clear thinking, inability to understand and take decisions, which has brought about in Pakistan a con-

fusion which will persist, and repeatedly create situations of the kind we have been enquiring into, until our leaders have a clear conception of the goal, and of the means to reach it.

"It requires no imagination to realize that irreconcilable remains irreconcilable, even if you believe or wish to the contrary. Opposing principles, if left to themselves, can only produce confusion and disorder. The application of a neutralising agency to them, can only produce a dead-result.

"Unless, in case of conflict between two ideologies, our leaders have the desire and the ability to elect, uncertainty must continue. And as long as we rely on the hammer, when a file is needed, and press Islam into service to solve situations, it was never intended to solve, frustration and disappointment must dodge our steps.

"The sublime faith called Islam, will live even if our leaders are not there to enforce it. It lives in the individual, in his soul and outlook, in all his relations with God and men, from the cradle to the grave, and our politicians should understand that if Divine Commands cannot make or keep a man Mussalman, their statutes will not."

The Ideological Argument

The ideological argument in support of the joint electorate can be split up into five branches.

The first branch takes notice of the assertion that Islam represents international, human, universal values of the equality and unity of Mankind. The very conception of the Divine in Islam is a sublimation of the individual's abstract ideal Self. Therefore Islam embodies the best liberal, human, and progressive tradition of civilisation. The supporters of joint electorate argue : If Pakistan is founded on such tolerant and catholic aspirations of Islam, how can any communal distinction be permissible in granting franchise?

The second form of the argument starts with the premise that Pakistan was created in the name of self-determination. It is a democratic parliamentary State. Democratic conventions postulate that the

whole people be treated as equal citizens, and their political rights, such as the right to vote, should not vary with differences of caste, creed, or class.

The third sub-head of the argument begins with the proposition that in a Federal State, several units desiring union without unity come together on the understanding that the rule of law will be the supreme authority in the State. If Law is to be the foundation of the citizen's loyalty to the State, obviously the legislature cannot be constituted on communal, caste, or class lines.

The fourth variation of the argument begins with a reference to patriotism. Pakistan has been established. Pakistan has come to stay. The integrity of Pakistan is to be preserved and promoted. If the fabric of the State is fragmented into communal pockets, the solidarity of Pakistan will be split away before it comes to maturity. Therefore, joint electorate is the slogan of patriotism. Separate electorates are the cry of subversion.

The fifth aspect of the argument interprets ideology in the sense of an outlook on and of life. What sort of life do we Pakistanis desire to live in our future? Do we want to suffer under the tyranny of vested interests? Is our society going to be a closed society of privileges and backward economy? On the other hand, are we to give economic opportunity to all the citizens ? Separate electorates represent the forces of stagnation. Joint electorate represents the tendency to fusion, cooperation, opportunity to merit, and initiative.

Let us now examine the elaboration of each one of these variations of the ideological argument in support of a common franchise:—

(1) *Islamic Ideology*—*"It is Islam which brought this State into existence. It is the Islamic ideology on which this State is to be built. It has been specifically laid down in the Objectives Resolution that the principles of equality, freedom, democracy and social justice as enunciated by Islam shall be fully observed......

*Choudhri Moazzam Hussain Zaheeruddin (Lalmia) in the Pakistan Constituent Assembly Debate on October 24, 1953.

"......In the words of the late Quaid-e-Millat, Pakistan came into being to provide Muslims with a territory which they could use as a laboratory for the experimentation and implementation of the Islamic order of life in all its fulness.

"Any attempt to distract us from this path would be tantamount to an attempt at shaking the very foundations of Pakistan and depriving it of all justification for its existence.

"Let us do our humble bit towards demonstrating before the ailing world a new social and political order which alone, it is our firm belief, would provide the remedy for all the maladies that have been tormenting humanity for long.

"This is the greatest contribution that any country can make towards an all-round well-being of humanity.

"You will share the honour of making that experiment a success, if you only give your active or at least tacit cooperation in the accomplishment of the greatest of all missions for which this State came into existence and which it has taken upon itself to accomplish by the help of Allah Almighty."

"......*Pakistan is based and has to be built up on the principle of democracy, but on the principle of democracy as enunciated by Islam; and Islam says that there shall not be any separation of religion or of community in the State.

"......Ignoring the basic principles of one's own faith and ignoring the basic principles of the Constitution itself, does not help in the growth of the State."

"†All known religions other than Islam have given a definite and prepondering emphasis on the life to come, leaving life on this side of the grave in comparative neglect.

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*Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 8, 1952.

†Maulvi Ebraheem Khan in the Pakistan Constituent Assembly Debate on October 20, 1953.

"Islam on the other hand seeks to bring life on both sides of the grave into a harmonious union, laying definitely greater emphasis on this life than on the next.

"To enjoy the amenities of life and the bounties of nature is not only, not discouraged in Islam, but is on the contrary, within bounds of moderation, a positive act of piety. Islam is thus inextricably connected with life and for the matter of that, with all the agencies like State, society and culture that are meant for serving life."

*"The Islamic code of life is for all times and for all ages. For several centuries it had met the demands of a growing civilisation.

"No doubt for sometime the door of Ijtihad has remained closed, but this was adopted as the natural remedy of what we may call 'anarchism' in Ijtihad.

"But it was fortunate that the great thinker Shah Waliullah of Delhi as early as the first half of the 18th century established that the door of Ijtihad should be reopened, both with regard to questions that had been decided earlier, as well as questions relating to new problems.

"Through this process of Ijtihad and judicial interpretation, we shall bring about a mighty and great transformation in the life and society of Pakistan."

> †'In view of the basic idea of Islam that there can be no further Revelation binding on man, we ought to be spiritually one of the most emancipated peoples on earth.
>
> 'Early Muslims, emerging out of the spiritual slavery of pre-Islamic Asia, were not in a position to realise the true significance of this basic idea.
>
> 'Let the Muslim of today appreciate his position, reconstruct his social life in the light of the ultimate Principles, and evolve, out

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*Mr. Fazalur Rahman in the Pakistan Constituent Assembly Debate on October 21, 1953.

†Dr. Sir Muhammad Iqbal as quoted by Mr. A. K. Brohi from Lectures on the Reconstruction of Islamic Thought (Pakistan Constituent Assembly Debate on October 23, 1953).

of the hitherto partially revealed purpose of Islam, that Spiritual Democracy which is the ultimate aim of Islam.'

*"Now 'Ijtihad' has been banned, and a class of people have arisen who think that Ijtihad is sinful. We must adopt the interpretations which we made several hundred years ago.

"I do not say that they were not the final arbiters of what is meant or not meant by Quran and Sunnah. This is what is really called "Mullaism." I do not know what it means when I hear it from the mouths of the detractors of the Islamic State, but I think this is Mullaism, and this kind of Mullaism we must try to eradicate.

"Islam, we believe, is safe in the Hands of God. True, but so far as our human intelligence goes, I think, Islam cannot live as a vital force, if the way of Ijtihad, if the spirit of Ijtihad, is once again not opened to Muslims.

"Islam claims that it is for all times and for all places. This is a very good and big claim. No other religion in the world had claimed that, but Islam claims it, and we believe it.

"Now, how is it possible to imagine that a religion can adapt itself to the requirements of all times and of all places, without a continuous process of interpretation and reinterpretation? I do not think it is possible.

"If we want to make Islam live, we must have Ijtihad.

"I admit that this process of Ijtihad in the beginning would be imperfect. We have not got the right type of men.

"The right type of men must have two qualifications. They must understand the Quran and Sunnah, and they must understand also the modern conditions and the modern products.

"Ijtihad, after all, means action and interaction of the laws of Islam upon actual conditions, as they exist in different times and in different places.

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*Dr. Omar Hayat Malik in the Pakistan Constituent Assembly Debate on October 21, 1953.

"That a man understands the real teachings of Islam, as also the requirements of any particular time and place, is important for Ijtihad.

"Such men unfortunately either do not exist in our country, or are very few, but we have to make a beginning. We must take a beginning.

"It would be imperfect in the beginning, but as time goes on, if we so desire, we can create and develop a type of person that will suit in a matter like this."

*"If legislation could turn out true Muslims, as coins by a mint, then the offence of murder for which the law of the land provides capital punishment, would have vanished from the world. Shooting at sight for the smugglers of the border area would have stopped smuggling. You cannot reform people by legislation merely. Quite different a method is necessary."

†"All those who share in faith are brothers, and what is the faith? That God's law prevails. That law has been finally manifested in the teaching and the personality of the holy Prophet.

"The idea is that first of all, let us concentrate on our own peculiarities. Let us be powerful, strong and stable in our own place and when this job is done, then all the Muslim Republics can come up together as the League of Muslim Nations. This is only the first step.

"It is no use waiting for the day, till ultimate polity gets evolved, and until then to do nothing; and it was this mood that set Iqbal agitating for the creation of Pakistan as "a half-way house"; and that half-way house is : that for the time being let us establish a government which reflects this ideal, so that the Muslims are able to live the life which is expected of them, life of love, of justice, life of honesty, of decency, of fairplay, not of hostility, not of antagonism.

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*Shahoodul Huque in the Pakistan Constituent Assembly Debate on October 24, 1953.

†Mr. A. K. Brohi in the Constituent Assembly of Pakistan Debate on October 23, 1953.

"After all, even the non-Muslims are created by God. Those who are non-Muslims are also equally created by God. They are entitled to, and they have, the same rights as we have.

"But all the same create a State today, build up and strengthen your own freedom.

"Concentrate completely on that ideal, stabilize yourself, and time may come when all the Republics, who subscribe to this type of ideology might get integrated so as to be called the Muslim League of Nations......

"......The answer is given by Iqbal that the historic necessity is first of all to put your own house in order.

"Is your house in order? Are you yourself, or is your country, so much integrated that you should go and ask others to come and federate with you, so that a common life may be lived by two or three Muslim groups?

"If tomorrow a Muslim Republican State says to Pakistan 'I want to federate with you,' then that question can be taken up......

"...... I am quoting to you from a recent translation of Iqbal's most magnificent poem, entitled Rumuz-e-Bekhudi (The Mysteries of Selflessness). It is by Mr. Arberry:

> '........ The historian of the future, when reviewing the great events of our times, will doubtless count among the most remarkable the sudden and surprising emergence, shortly after the Second World War, of an independent nation of nearly one hundred million souls, whose principal claim to nationhood was the religion professed by the great majority of its citizens........'

This is what is quoted in the "Reconstruction of Religious Thought in Islam" by Iqbal. This passage, which I am reading out to you, is from Prof. Arberry's translation of "Mysteries of Selflessness:"

> 'Every Moslem nation must sink into her own deeper self; temporarily focus her vision on herself alone; until all are strong and powerful to form a living family of Republics.'

> 'A true and living unity, according to the nationalist thinkers, is not so easy as to be achieved by a merely symbolical overlordship.
>
> 'It is truly manifested in a multiplicity of free independent units, whose racial rivalries are adjusted and harmonized by the unifying bond of a common spiritual aspiration.
>
> 'It seems to me that God is slowly bringing home to us the truth that Islam is neither nationalism, nor imperialism, but a League of Nations which recognizes artificial boundaries and racial distinctions for facility of reference only, and not for restricting the social horizon of its members.'

"This was the mood in which Iqbal agitated for the secession of Islam from India, and the creation of Pakistan. The date of the millennium has been postponed; but in the meanwhile there is important work to be done.

"Even the law of God as it stands revealed, has to be understood by man who is the understander thereof.

"It is I and each one of us who is to understand it; because it is intended for each one of us.

"It came directly for man, and there are Muslim scholars who say that it has to be re-revealed to each follower of Mohammad (peace be on him)........

> "........So far as this question of the treatment of the minorities is concerned, it has been dealt with in several books of Muhammadan jurisprudence and they are all of the opinion that only the portion of the law—which is of general application and import, and which prevails on a nationwide basis, and which a particular nation has in common with the other countries of the world—only that portion of the Law will be applicable to the non-Muslims.
>
> "That is the historical position. For example, a non-Muslim can, in a Muslim State, enter into transactions for the sale of liquor. He can deal in pigs also according to some of the authorities, because it is something which is personal to him."

"*You say La Illaha Illalaha and I say, "I Am One, no second."

"La Illaha Illalah means, no god but God. Similarly I Am One, and no second. It means difference in language only—one in Arabic and the other in Sanskrit.

"When La Illaha Illalah came into existence? Only 1,300 years ago. You got La Illaha Illalah only 1,300 years ago. To us I Am One, no second came long ago. When it came ? We do not know—it may be pre-historic, I do not know.

"But what is the difference? People do not understand. That is in Arabic, and this is in Sanskrit. You say Allah and I say Bhagwan. Turks say Lern, instead of God.

"It is only a question of language.

"All people cannot have conception of God, without description, and as such worship of gods in the shape of images was prescribed for them to make them godly-minded.

"It is because the ordinary people cannot have conception of God without image, and that helps them to be godly. The ordinary man cannot conceive the idea of Nirakar Brahman. He being not literate, and therefore he worships god in the shape of an image, and as I said, it helps him to be godly. Now we Brahmins have no image worship. We recite *mantras*. We have three times *Sandya* and recite *mantras*."

> †"The fact is that it is not to save Pakistan and the Muslim masses that separate electorates are being pressed, but to save a particular brand of politicians, a brand which is politically bankrupt, which maintains itself by exploiting religion, by raising the bogey of 'Islam is in danger'."

‡"Science is the most momentous contribution of the Arab civilisation to the modern world......

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*Mr. Sri Chandra Chattopadhyaya in the Pakistan Constituent Assembly on October 24, 1953.

†Syed Amir Hussain Shah in the West Pakistan Legislative Assembly on August 2, 1956.

‡Briffault in "the Making of Humanity" as quoted by Maulvi Ebraheem Khan (Pakistan Constituent Assembly Debate on October 20, 1953).

"Although there is not a single aspect of European growth in which the decisive influence of Islamic culture is not traceable, nowhere is it so clear and momentous, as in the genesis of that power which constitutes the distinctive permanent force of the modern world and the supreme source of its victory—natural science and the scientific spirit."

*"Islam is not only a perfect religion. It is also a perfect polity and a complete code of life.

"It is the only order which in history, has conquered race, colour and class divisions, ordered Man's individual and social life on a universal pattern, and realised in actual practice a real social democracy, a just Economy and world brotherhood.

"It still can unite the races of the East and West, and get justice for all peoples of the world.

†"Says Mr. B. K. Dutta (Pakistan Constituent Assembly Debate on October 7, 1953) see page 127 ante: 'The Islamic State idea is incapable of being grafted on the parliamentary system of government based on the sovereignty of the people, and he has sought to fortify his position by quotations from Ibn-Abi R'-Rabi, Farabi, Mawardi, Nizamul Mulk and Ghizali—all scholars from the 9th to the 11th century.

"He has complacently relied upon these old authorities, though he himself is mightily angry with the past and vehemently cries: 'I beseech you to show some wisdom by letting the dead past bury its dead.'

"Says Dr. Iqbal: 'The Republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world.'

"Says Dr. Horten, a living professor of Semitic Philology at the University of Bonn: 'The spirit of Islam is so broad that it is practically boundless. With the exception of atheistic ideas alone, it has assimilated all the attainable ideas of surrounding people and given them its own peculiar direction of development.

*Mr. Abdul Monem Khan in the Pakistan Constituent Assembly Debate on October 24, 1953.

†Maulvi Ebraheem Khan in the Pakistan Constituent Assembly Debate on October 20, 1953.

"I may refer my Honourable friends to some old writers as well. Says Saifuddin Muhammad-Din-Thaba, of the 14th Century A.D. 'The duty of the subject is obedience; but no subject is bound to obey a tyrant.'

"And the great Ibn Rushd supplements him by adding 'The tyrant is he who governs for himself, and not for the people'."

*"Among the major problems, which confront the world today, the most important are those relating to nationalism and inter-nationalism, the mingling of the sexes and the breakdown of the marriage relationship, the conflict of autocracy and democracy, capital and labour, the rejection of God by great multitudes of people, empty Churches and starving Missions.

"This is not the first time in history that man has been tired of God or been confronted by major problems in menacing array.

"It appears more than mere accident that Europe and America should now be eagerly debating the pros and cons of polygamy, easier divorce, distribution of wealth of great families by more equitable rules of inheritance, brotherhood among different peoples, elimination of prejudices of class and colour, collapse of the economic system as result of the borrowing and lending of money at interest.

"Almost identical questions were before the world towards the close of the sixth and the beginning of the seventh centuries. A perusal of the pages of the Book will show how a simple camel driver led his caravan through these difficulties."

†"Islam is international in outlook. In fact, the word 'International.' does not convey precisely what the outlook of Islam is. Islam is super-national. When you are talking of internationalism, the units or the Nations within them inter-act, and inter-action is expressed as international.

"They are nations all the same, but the law of Islam in the field of world affairs may be described as being supernational, and the institution of Pilgrimage (Haj) precisely has that moral to convey.

*Mr. Nur Ahmad in the Pakistan Constituent Assembly Debate on October 13, 1953.

†Mr. A. K. Brohi in the Pakistan Constituent Assembly Debate on October 23, 1953.

"Pilgrims to Mecca are the people who represent various Muslim sectors, who go from one place to another, and mix with others to exchange their views and ideas—exchange of ideas with a view to finding out what the common denominator of humanity is: the ultimate ambition and ideal of Islamic society is certainly supernational.

"Every Mussalman who is a member of the Muslim brotherhood feels instinctively that he is a brother of every Muslim, no matter where that man is living, whether in Algeria, Tunisia or Madagascar or in China.

"He mixes with him not because of any other thing, but because of the tie of common faith, which is essentially one, and it is really this democratization which is the peculiarity of Islam."

The German Philosopher, Count Keyseling says:—

> "Whence Islam derives its formative power, which seems so much greater than that of all other religions?
>
> "The Muslims are not merely supposed to be brothers, but they really treat each other as such, irrespective of race, means and position.
>
> "But this democracy is nothing ultimate; it is the effect of a profounder cause, and this seems to offer to me the key to all the riddles of the advantages of the Muhammadan faith.
>
> "Islam is the religion of absolute submission.
>
> "What Schleiermarcher has described as the nature of all religiosity, does in fact define that of the Mussalman.
>
> "He feels himself to be at all times, in the absolute power of his Divine Master; and moreover, in His personal power, not in that of His ministers and servants. He always stands face to face with Him.
>
> "This conditions the democratic quality of Islam.

"The Muslim spirit is non-territorial. It is transcendent; it is supernational."

"*Now what are the principles of Quran?

"They emphasise the dignity of a humun being as such. He is above every creature. He is required to worship only one God and nobody else.

"They emphasise the equality of man and abol'sh all class, colour distinctions, or racial distinctions.

"We are told you all are children of Adam, and Adam was born of dust. Therefore, nobody is superior to another on account of his or her birth. No caste, colour or race distinction whatsoever is recognised or countenanced.

"They are intended to emancipate women.

"We are talking of modern constitution and modern world. Please read what has been laid down more than 1300 years ago.

"Islam gives certain rights to women which no other society permits even today in 1953."

"†Islam lays very great stress on the equality of man and brotherhood of man, and that is the new gospel that Islam gave to the world when our Holy Prophet came with a great message for the backward people of the time.

"This equality of man, was a new gospel of truth which was lacking in the society of those days and which spread like a wild fire.

"It is absolutely false to say that Islam spread by the force of the sword; that theory had been exploded long ago.

"As for the Equality, I think, Islam is the one religion—and it is admitted by many others—that has given a practical interpretation to the idea of equality of man.

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*Sardar Abdul Rab Nishtar in the Pakistan Constituent Assembly Debate on October 26, 1953.

†Mr. Abdul Kasem Khan in the Pakistan Constituent Assembly Debate on October 22, 1953.

"Toleration is admittedly another corner-stone of our faith. Islam stresses toleration very often in several places.

"Dogmatism and ritualism which form such a great portion of all other religions have not penetrated our ranks to the same extent in Islam.

"In the case of our religion, I should not say that dogmatism and ritualism has not penetrated our ranks at all. There is a good deal of dogmatism and ritualism in our midst now. But Islam does not encourage that; Islam does not also encourage a clerical order to act as intermediary between a man and his Creator.

"So also theocracy is unknown to Islam.

"The responsibility of the individual has been very much stressed in Islam, so, we are not going to discriminate against our minorities."

*"I know there is a tremendous volume of opinion in the West against Islam and most naturally; for they have seldom looked towards Islam except through the jaundiced spectacles of ecclesiastical fanatics, or paid propagandists.

"The backward condition of the Muslim States has provided them with an additional plank, to stand upon as a spring board, to pounce upon Islam therefrom. Even some among us have got a subtle doubt lurking in their bosom; Messrs. Chakravertys and Duttas are there of course.

"But there is another side of the shield. I have had occasion to meet representative men of Arabia, Syria, Iraq, Iran and Egypt. All these countries are looking up to Pakistan for her carving a way out, consistent with the tradition and spirit of their faith and culture.

"Many a thinker in the West have gloomily predicted that their own Civilisation is on the brink of failure. They are wistfully looking forward for a new force to come in and save the world.

"The challenge has come to us to prove that Islam is progress and not stagnation; that it can save the world once again as it did at one time.

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*Maulvi Ebraheem Khan in the Pakistan Constituent Assembly Debate on October 20, 1953.

We are going to take up the gauntlet not with an air of pride and arrogance, but in a spirit of devout humility.

"Let us, therefore, march forward with the ideal in our bosom, God overhead, and our good right hand below.

"Mr. Dutta will thus see that the representatives of God on earth will have to consult chosen men, be they members of the advisory council, or of cabinet, or of the parliament, or even of the electorate.

"My friend , therefore, need not worry over the problem of finding out a virtuous giant able to shoulder alone the burden of the State."

*"Has it not stood the godless theory, the godless heretical tempests blowing from one end of the earth to the other ? Has it not stood the test of time?

"Has not the European civilisation tremendously gained by the civilisation that has been given to the world by Islam?

"Those who have read the History of Islam by Lane Poole know that he has said that but for the civilisation that has been bestowed by the Muslims, by Islam, the whole Western world would have been wrapped in darkness for centuries more.

"On the one side, there is imperialism and capitalism growing day by day. On the other side, the godless theory is gradually permeating through the entire social fabric of certain States.

"Now , these different ideologies are drawing the world nearer towards a state of revolution, which is going to shake the very foundations of the world's peace, love and amity, and civilisation.

"Islam came to preach love and amity for the well-being of the entire humanity."

†"A thorough study of the early Islamic state-craft would reveal that it was an undiluted parliamentary democracy.

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*Mr. Abdullah al-Mahmood in the Pakistan Constituent Assembly Debate on October 22, 1953.

†Mr. Mofizuddin in the Pakistan Constituent Assembly Debate on October 13, 1953.

"Even an ordinary citizen was within his rights to ask for an explanation, why the *jubba* of the Khalifatul Muslamin was longer than those of others."

"........* There is certainly in Islam a hidden panacea for all the ills that the world is now suffering from......

"......While the entire globe has been divided into two camps—capitalism and the godless communism—Islam is a via media and a golden via media, which must be adopted by all the people of the world, and if we can show this to the world, and if we can prove that Islam does contain such ingredients, I have no doubt in my mind that in no time this ideology will be accepted by various other countries.

"Islam is the only ideology which makes no distinction between man and man, which has given equal status to the women which was denied for long to the half of the human population. Islam has done justice to all the citizens irrespective of their religion, of their creed, of their class, whether they were conquerors or the conquered......

"If the world is going on a wrong track, it is better to take a few steps backward, and then to go on to the right path, not to allow the world, and far less Pakistan, to go and tread on the same wrong path."

†"We should not forget our past. The basis on which we have started—our economic system, our system of banking as they are now, are not Islamic. Therefore we should not all at once go with an Islamic Constitution, so that we may find ourselves in difficulties.

"We should make a determination now that our constitution shall be Islamic, but we should give effect to it and implement it gradually, as and when the circumstances would permit.

"I appeal to those of my Muslim friends who want to have Islamic constitution outright, and all at once, that they should carefully and cool-headedly consider all these aspects of the question, and see whether it is possible to have an Islamic Constitution outright.

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*Mr. Nurul Amin in the Pakistan Constituent Assembly Debate on October 19, 1953.

†Mr. Azizuddin Ahmad in the Pakistan Constituent Assembly Debate on October 19, 1953.

"Therefore, we should go slow. We should have before our eyes the practical aspects of the questions. We should only go ahead if it is found possible to have outright things: such as to remove *riba* and other things.

"If it is possible to do so, we should go on at once with Islamic constitution, but if it is found on expert advice that it is not possible to do so we should not take hazards, and try to do things all at once. We should do it gradually as and when circumstances permit."

*"Hitherto the people who have been inhabiting the Sub-continent have been brought up in a way of life where the laws that have been administered have owed their orientations and their foundation to influences other than the law of God as we understand it.

"Now that there is a desire on the part of the people of Pakistan to switch over to a new type of law, there is one thing about which we ought to be quite careful and it is this. Any sudden switch over from the status quo to that type of society we are envisaging will be disastrous.

"Consequently, one has to be steady; one has to proceed methodically. One has to proceed by instalments."

"†Today we do not behave according to the dictates of Islam, that is correct. Let us be frank and admit that it is absolutely correct.

"But if we are not acting today according to our ideals, it is all the more necessary to have something in the constitution to make us behave and act according to the principles which are laid down by the Quran and Sunnah.

"This will help you; this will help us; this will help our Society. We want to establish a social order which could be put forward as a model before the world.

"That was the object of those who struggled for Pakistan and I do not think any of these principles that I have stated can be taken exception to by any person in the world, save by a perverted person or an enemy."

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*Mr. A. K. Brohi in the Pakistan Constituent Assembly Debate on October 23, 1953.

†Sardar Abdur Rab Nishtar in the Pakistan Constituent Assembly Debate on October 26, 1953.

*"Why has religion become fossilized?

"Religion all over the world has become a phenomenon, in the sense that religion comes with a Prophet and the Book. Then the Prophet passes away and the Book is commented upon. When the commentaries are commented upon, there are new commentaries and so on, until in the end people forget the original source, and get wedded and attached so much to the commentaries, that they forget the real source. That is why the religion gets fossilized.

"The same process happened in Christianity. The same phenomenon appeared in Budhism, and perhaps, if I may say so respectfully, the same thing took place in the case of Hinduism. And the same process has occurred in Islam for hundreds of years."

†"Our spiritual and political fathers were not suited-booted gentlemen of today, but the brave Ulema who sacrificed their lives and who were blown out through cannons in 1857.

"They were the founders of the political movement not only of the Muslims of this sub-Continent, but also of the Hindus, Sikhs, Parsis, etc., of this sub-Continent. For those Ulema of 1857 I have the greatest respect..........

"......Whereas the Ulema of 1857 were so right, more right and brave and courageous than any of us, yet the Maulvis and Ulema later did not prove themselves worthy of their position, and they were the biggest support to British imperialism for not one decade, but many decades. They were the main source of Imperialist strength. Therefore, Ulema are not infallible......

"Maulvis have a chance to go to the people five times a day. They have their offices in each and every village and they have an occasion on every week to give them sermon.

"If through approach of the people these gentlemen could not be in seats of power here, then I beg to submit that there is nothing wrong with

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*Dr. Omar Hayat Khan in the Pakistan Constituent Assembly Debate on October 21, 1953.

†Mian Muhammad Iftikharuddin in the Pakistan Constituent Assembly Debate on October 22, 1953.

the ideology that the Muslims profess. That I do not say. But surely there is something wrong with their understanding of that ideology; possibly their past goes against them—having supported the British imperialism; possibly their present goes against them—because they are supporting the feudal elements in the country.

"That may be the cause of their failure. But, they have better occasions to approach the people than Mr. Mohammad Ali, the Prime Minister of Pakistan......

"...... It is quite possible that the people of Pakistan who could not be aroused by the *Ghadar* of 1857, or even six or seven generations were not enough to arouse them, may respond.

"They were in a great state of degradation. Those may yet go wrong at the next election or even beyond.

"But when the Ulema have waited for the last two hundred years, and have tolerated a state of affairs which was contrary to the concepts of Islam, to those Ulema I would request not to be in a hurry.

"Let them wait for another generation: wait for two generations, and I am sure they will get what they want. But that would be the right way.

"When we talk of Islam being a world ideology, a dynamic force, and an eternal code of principles, and we come forward with a thing like this, we prove ourselves to be parochial.

"If other States of the world react against Muslims, on how we are behaving towards the Hindus, I think the cause of the Muslims the world over will be in danger.

"If other States of the world think that we are a danger to the peace of the world, they would say that these people are sectional; these people cannot tolerate people outside their own religion, enjoying full freedom and enjoying full rights of citizenship.

"Therefore, they would say these people are not worthy to hold the reins of a State. Feeling that, the countries of the world, if there was a democratic world, could very well react against us.

"Really, we have betrayed, by conveying to the world that we want to be treated like that. We cannot make our minorities part and parcel of our national life.

"We have proved this to the world. We have exposed the Muslims of the world to a danger which is really unpardonable."

*"We only read translations of the *Ayats*. We get explanations or interpretations from some friends.

"I got interpretations of it from my friend Mr. Nishtar in the committee. I got explanation from my friend Maulana Akram Khan; I took explanations from some Maulvis.

"But each man gave different explanation. Where do we now stand we really do not know! This all creates difficulties and so far as we are concerned that creates an apprehension.

"It may be that these Maulvis will one day say that because this State of Pakistan is administered according to Islamic principles, therefore, we cannot be allowed any image-worship. You know Hindus worship images. Whether they are justified in doing so or not is a different matter.

"Now there is another principle and Mr. President will agree to that, that there cannot be any friendship between a Muslim and non-Muslim.

"Now what is the reason for it? It is beyond me to understand that. I have got very good Muslim friends, such dear friends, although I am 80, but I have got very good Muslim friends.

"I have got such good Muslim friends that I can say they are more friendly to me than even my Hindu friends, and now because I am a Hindu, as they say, we cannot have friendship; we cannot be friends......

"There cannot be any friendship. The Muslim should not accept a non-Muslim as friend. That is the argument.

*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October 24, 1953.

"Now if that is an Islamic principle, then Islamic principles stink in my nostrils.

"I cannot say where it is. I cannot give which part of the Quran or Sunnah gives this injunction as I do not know that, but I have found pamphlets in Bengal centaining this direction, and they were being distributed in East Bengal. Now in those pamphlets it is said non-Musliams cannot be friends. They say it is in the Quran."

*"We can understand what connotes democracy, modern and Western parliamentary democracy, democracy of the English, French or American variety. They are living examples. We are aware of the workings of these democracies.

"But as regards Islamic democracy, where are the living examples?

"Nowhere in the Islamic States we find democracy. Only Turkey has adopted modern secular democracy. Turkey has also declared itself as a Secular State. By adopting Western democracy, and separating religion from State and politics, it has made tremendous progress in every sphere.

"When the Nazimuddin Report was published, Begum Shahnawaz, Member of this House and a very prominent member of the Muslim League, declared:—

> 'We should either have the Islamic benevolent dictatorship, or something akin to the American form of government, or Western Democracy.
>
> 'The type of constitution just announced for Pakistan is neither the one nor the other.'

"So she did not mention anything about Islamic democracy. Probably there was no such special type of democracy, as may be called Islamic democracy."

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*Mr. Jnanendra Chandra Majumdar in the Pakistan Constituent Assembly Debate on October 22, 1953.

"*The question is, they are even doing things which must prick their conscience. They seem to be making a fun of our poor illiterate public opinion. They are trying to please the people by giving a little morsel here and a little morsel there which is absolutely meaningless.

"If even they can live and grow who are liars—who go back on their solemn promises, who can break their solemn treaties, then Islam will be very badly injured, and will fall in the estimation of other people.

"Why are we playing about in this manner? Whom are you going to please or deceive by this device? Do you want to make this provision, to go and say that we are going to become very Islamic?

"But what will happen is that those gentlemen who will be appointed as your advisers in this matter, to pronounce whether a thing is Islamic or non-Islamic, first they will be called Kafirs by all those who do not get a seat in that Board of Advisers, and who think they are fit enough to be there, and who feel that they should sit on the Advisory Board. That will be first time when the '*Fatwa*' of '*Kufr*' will be given under this constitution.

"Then, if they do not declare certain laws to be un-Islamic, they will be called *Kafirs*, in fact if the Assembly as a whole passes such a law it will be called '*Kafirs*'.

"So many '*fatwas*' would have already been given by the time it goes back to the Assembly, and no Assembly would be in a position to pass that measure for fear of being declared '*Kafir*'.

"No Assembly would be able to face the public opinion created outside, and take a right decision in accepting or rejecting these proposals, even if they get the sanction of those appointed as Advisers under this Constitution.

"Now, why do not you trust the members of the Assembly? If, supposing, an enactment comes here before the Assembly, the Muslims will be in a majority, and why do not you allow them to decide things according to their conscience, and according to Islam?

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*Sardar Shaukat Hayat Khan in the Pakistan Constituent Assembly Debate on October 13, 1953.

"If you do so that would be absolutely proper for the country. You would not be able to do many things necessary for the country, because every one of the members will be called a '*Kafir*', whenever they go outside the House.

"Well what are they doing? Whom are they going to appease? The Mullah, or the people of the nation?

"Are these people who will sit in judgment over the Assembly, going to be elected on the basis of adult franchise? The members of the Assembly will be elected on adult franchise basis, by the votes of the Muslim community.

"If these Maulvis are popular with the masses they will surely get elected to the Assembly by the vote of the people. Now if they will be elected, why are you going to bar their way to the Assembly? If these Maulvis who claim to know Islam, are really popular with the people, then no one will find it easier to come into the Assembly than our Maulvis who are each day holding prayers or *Namaz*, five times a day. They get the opportunity to hold meetings five times a day, and once a week a public meeting where they can preach their political views year in, and year out.

"They can propagate their politics so easily, and even then if the people reject them at the polls, then there is something very wrong, and it is about time that they were not at all elected.

"Then if they are unable to come by straightforward election through the votes of the Muslim, whom they are supposed to represent, then why should they be taken in through the back-door?".

> *"They say the constitution will be according to Islamic principles and ask us, 'why are you afraid of Islamic principles'?
>
> "My reply is, I am not afraid of the Islamic principles as they are, but as they are now followed. I am afraid of that."

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*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October 24, 1953.

*"The growing mistrust and distrust amongst the Muslims and more particularly in non-Muslims is because of the fact that they do not find either spirit or form of Islam in us.

"*Iman* (faith) is the essence of Islam, and if such be the test, do you think that the Islamic State can be a menace to any non-Muslim?

"But our non-Muslim friends are afraid, because they do not find us, Muslims in action.

"There is no good citing old stories of *Khalifas*. We are to be judged by our actions. So, let us all work and proceed."

"†It surprises us when they quote the example of Hazrat Abu Baka. and others who won the love and affection of the people by showing and practising themselves what Islam really teaches.

"It does not really suit them to quote Islamic principles especially, when they have moved far away from the teachings of Islam in their daily practice. They could be the best teachers of Islam if they had practised the tenets of Islam in their own life and set practical examples to others....

"...... So far as the Islamic principle is concerned, it is not debatable at all. It is accepted and everybody here has the catholicity of view to appreciate the noble views of any religion.

"But the way they are going to proceed with the task, that is objectionable. It creates misgivings and mistrust.

"They have politicalized religion only to reap benefit for themselves.

"The way they want to bring Islamic features in the constitution is highly objectionable. It is simply to capture the mind of the illiterate masses, to dupe them.

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*Syed Abdul Bashar Mahmud Hussain in the Pakistan Constituent Assembly Debate on October 24, 1953.

†Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly on October 19, 1953.

"When you find many of our friends never go to mosques, never offer prayers, but as soon as they become Ministers or Governors, they go to shrines barefooted, and start talking of piety in the name of Islam, what opinion should we form of them?

"If I say that my great-grandfather was a pious man, does it cover the mischief , or the misdeeds, that I commit everyday? It does not cover the misdeeds, nor can it remove misgivings from public mind.

"The noble principles of Islam are a different thing, but acting upon them is a different thing.

"Those protagonists and those stalwarts who do everything in the name of Islam, I doubt very much if they mean anything good to the society, to the people, or to the State, or even to themselves.

"I am constrained to remark, that they make their religion a political instrument to achieve and to satisfy their own purpose, to achieve their own ends.

"We have got so many booklets from different quarters, and different Muslim organisations on Islamic religion, which differ from each other very vitally on the interpretation of the principles of the holy Quran.

"We feel very much confused and get all the more confused when we find so little similarity in the views expressed there.

"It tends to create misapprehension, suspicion and distrust. Suspicion is still lingering in our minds. Nobody has been able to explain it away.

"So, we have very serious and grave doubts whether by insisting on this, they may be able to satisfy the common interest of the people and the State.

"They may be able to satisfy the Mullas, or they may be able to mobilise in their favour certain fanatic public opinion to dislodge some people from power, or to help somebody to come up the ladder of power, but that is not what we are concerned with.

"When we are considering the question of the constitution of the country, we are concerned with the whole nation of Pakistan, the best interest of Pakistan, the integrity, solidarity and progress of the State........"

*"God bestowed Pakistan on Muslims as a trust, but is this the way that the trust is being managed ? It is being managed against the Islamic principles.

"Let the Honourable Minister for Law, today, introduce a Bill giving separate electorate to Sunnis, Shias, Ahmadiyas, Momins, and you will see, tomorrow he will be hounded out from this House......

"...... We are told that this side of the house contains Muslims with broad hearts, fair minds and clear visions. Where are they? I do not find one amongst them!

> '*Mar gae jo mard thai Islam ke*;
> *rah gae baqi hain Leaguer nam ke*.'
>
> 'True Muslims are dead and gone;
> Those who remain are but Muslim Leaguers'."

(2) *Democratic Ideology:* †"When the scheme of the 3rd June 1947 was accepted, practically the Two-Nation theory was given up and everything was given up, excepting that Pakistan will be in that area where the Muslims will be in majority, and in that State there will be non-Muslims also. It will be a composite State.

"It was not on the ground of Two-Nation Theory that India was divided.

"Therefore, some places were carved out where Muslims were in majority, and some places for non-Muslims where they were in majority.

"As soon as you accepted that scheme, it became the State of the people, irrespective of class, creed or religion.

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*Seth Sukhdev in the Pakistan Constituent Assembly Debate on April 17, 1952.

†Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October, 24, 1953.

"It, therefore, became the State of everybody, whoever may be the citizens within that area.

"Pakistan was obtained by the Muslim League and the Muslim League is entitled to frame the constitution; that is his opinion, but what I shall say—and I shall prove it from the records—is that Pakistan was not obtained by the Muslim League; Pakistan was obtained as a result of an agreement between the Muslim League and the Congress.

"It was a free gift by the Congress. But for that agreement Pakistan would have been nowhere. It may be that our old friends, the Britishers, might have been still in Pakistan as well as in the present India—not geographic India, the present political India, or might have left by June 1948 without division of India.

"Therefore, that contention of Mr. Nurul Amin, Chief Minister of East Bengal, that Pakistan was obtained by the Muslim League does not hold good, as I shall now prove from the Act and the document which created Pakistan and political India."

> *"......We claim it as a right that in a democratic State, as citizens of Pakistan, we are entitled to be enrolled in the joint electoral roll, irrespective of any religion which we may follow. religion would be no bar, and would not be a consideration, for placing us in separate compartments altogether......"

†"Our friends refuse to take into consideration the viewpoint of those who differ from them or belong to other organizations. They forget that our country is much bigger than any political party, however, big it may be.

"They forget that there are so many problems before us, which we cannot decide and tackle from the viewpoint of one party alone. They forget that the Muslim League, as it is today, cannot, and should not, take the responsibility of representing the whole country with a population of $7\frac{1}{2}$ crores of people approximately......

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*Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 16, 1952.

†Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on October 19, 1953.

"To add to all, there has been an attempt to 'politicalise' religion for serving the interests of some individuals and groups.

"It appears that a certain class of people want to perpetuate their power for ever, by bringing certain elements, who will always be a source of hindrance to the progress of the country......

"...... There will be no independent thinking, and there will be no progress in the country, but only reactionary elements will play their parts in running the administration of the country. The reins of the government will be in the hands of vested interests......

"...... By separate electorates you vitiate the approach and make it communal. A Hindu will talk to a Hindu in the strain which will satisfy a Hindu. Similarly, a Muslim Leaguer, or any Muslim candidate will talk to the Muslim electorate and issue manifesto that will satisfy only the particular outlook and viewpoint of the Mussalman electorate. So, by separate electorates the approach becomes separate.

"Separate electorates perpetuate communalism. It means disintegrating the State. It means disintegrating the people, when it is a most urgent necessity for us to mobilise the entire forces and to have complete regimentation of all resources, if necessary."

*"Whether after the achievement of Pakistan, which we based on the Two-Nation theory, we in Pakistan still at the present moment have two nations, or one Pakistani nation?

"If after the achievement of Pakistan we have only one nation in Pakistan, then we should consider seriously whether we should go in for separate electorates, or for joint electorate. That is a matter which needs our careful consideration in very calm and cool moments.

"We should not be carried away by sentiments. We should not do things in a hurry."

†"May I know from these honourable members, whether after the establishment of Paksitan, the Two-Nation theory still stands?

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*Mr. Azizuddin Ahmad in the Pakistan Constituent Assembly Debate on October 19, 1953.

†Mr. Madhavji Dharisbhai in the West Pakistan Assembly Debate on August 4, 1956.

"If so, which are the two nations in Pakistan, to which they want to apply this theory?

"According to some of the Ulema and Maulanas—who mostly opposed the division of India into Bharat and Pakistan—Pakistan is only for those who follow the faith of Islam."

> *"I want joint electorate and insist for it, because I believe that separate electorates will destroy the integrity of the Nation. It will destroy the political integrity of the State."

†"Looking from the cardinal principle applicable to all States, fragmentation of the electorate, fragmentation of the legislature and of parliament, creating statutory minorities which will last for all time to come, cannot claim to be giving protection to the minority.

"Nothing can be far away from it. Under whatever cloak you may place it, the real thing will be exposed. It is not protection to the minority at all......

"...... Whether the fragmentation of the Parliament, fragmentation of the electorate is right?

"Is it giving protection to the minorities?

"We say that the minority does not want it. Do not impose a protection, when they do not want it."

When the postulates of democratic ideology were being quoted in support of joint electorate, a number of reports of the commissions and committees appointed from time to time by the British Commonwealth were referred to. The British parliament being the mother of parliaments, perhaps it was considered that the pronouncements of British Commonwealth statesmen about the character of parliamentary democracy have special value.

We reproduce below some of these extracts and quotations:—

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*Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on April 19, 1952.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 16, 1952.

*"The give and take which is the essence of a political life is lacking. There is no inducement to the one side to forebear, or the other to exert itself. The communal system stereotypes existing relations. We regard that the system of communal electorate, therefore, is a very serious hindrance to the development of the self-government principle. The evils of any extension of the system are plain."

†"It is argued on the other hand that the communal system offers little room for political progress.

"While securing the representation of different interests it does little to reconcile them.

"It tends rather to promote the election of men of extreme views, who will emphasize the differences.

"The different communities in Kenya can only attain to healthy political life if they learn to compose their differences, and seek the common good.

"The surest foundation for a stable constitution is a community of interests, rather than a nice adjustment of opposing forces.

"The communal system where it has been tried, has tended to accentuate differences, and prevent the growth of a healthy political life.

"The determining consideration in a sound political system should not be the immediate interests of particular communities, but the ultimate good of the whole territory......Our view is that inasmuch as the progress of the territory must depend on co-operation between the races, the ideal to be aimed at is a Common Roll, on an equal franchise, with no discrimination between the races."

‡"......I cannot resist the temptation of quoting a portion of the report of Donomoc Commission which drafted and prepared the constitution of Ceylon........

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*The Montegu-Chelmsford Reforms Report of 1918 as quoted by Mr. Kamini Kumar in the Pakistan Constituent Assembly Debate on April 16, 1952.

†Hilton Young Commission Report about British Kenya Electorate System, as quoted by Pir Elahi Bakhsh in the West Pakistan Assembly Debate on August 3, 1956.

‡Ceylon Commission Report as quoted by Pir Elahi Bakhsh in the West Pakistan Assembly Debate on August 3, 1956.

"Ceylon is also a country not only with people of different religions, but even people of different racial origin. There are the Indians, the Ceylonese, Budhists and other people of other religions. So, I think I may usefully take the time of the House by reading only an extract from that report. The extract is this:—

> 'There can be no hope of binding together the diverse elements of the population, in a realisation of their common kinship and an acknowledgement of common obligations to the country of which they are all citizens, as long as the system of communal representation with all its disintegrating influence, remains a distinctive feature of the constitution'."
>
> "Communal representation tends to keep communities apart, and to send communal representatives to the council, with the idea of defending particular interests, instead of giving their special contribution to the common weal...... Only by its abolition will it be possible to develop together true national unity."

*"It sounds very well, a time may be coming for it—it is only a question of time—when there will be full justification for joint electorate, but this is not that moment."

†"I personally think that in course of time a situation will arise, and let us hope that it does arise as early as possible, when we shall have joint electorate for Hindus, Muslims and all citizens.

"But as a realist we have to frame our constitution in accordance with our present requirements.

"Chicken is a good diet, but for a sick man sometimes it is fatal to take a chicken and he is to be kept on some other diet. When he gets rid of the sickness, then he is able to take normal diet.

"Similarly, our body which has a disease and this disease you cannot cure by ignoring it—that will be a wrong policy—the disease is there, the

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*Mr. Ghyasuddin Pathan in the Pakistan Constituent Assembly Debate on October 19, 1953.

†Sardar Abdus Rab Nishtar in the Pakistan Constituent Assembly Debate on October 26, 1953.

misunderstanding is there, the distrust is there, and if these distrusts and mistrusts are there, then it has to be attended to, and proper prescription given for it.

"I say to my friends, so far as separate electorates are concerned it is a temporary affair. If you behave properly, if we behave properly, and in course of time political fusion takes place, I am certain it will take place, then without your asking, joint electorate will automatically come into existence."

*"Sardar Abdur Rab Nishtar had to admit what we said, by force of our arguments, and he was really converted to our view. After his speech the Government has got no case. He had admitted that the joint electorate is the only goal that can be desired.

"He has said that the present arrangement is a stop-gap, and therefore, for the time being let there be a separate electorate, for the purpose of maintaining peace in the country.

"He has admitted our case. He has given up the cause of the Government. He has been converted to our view of things. He is compelled to admit our argument; he has been converted and I am glad of that.

"Government should have been converted to our view of thinking. But the only thing that he has said is that these separate electorates are provided for safeguarding the interests of the minorities. Though he is convinced that in a country joint electorates are good for healthy growth of a nation."

†"He said: 'Yes, yes, this is the ideal allright but it will come in the course of time'. I am not surprised. Because it took the Muslim League eight years to frame the constitution of this country, and if we leave it to them to achieve the ideals of Pakistan, I am sure, it will take another century......By having joint electorate you go near these ideals."

‡"Separate electorate ought not to be tolerated for any more time at all, when it is admitted that joint electorate is the 'summum bonum', and it is our goal. If so, the sooner we achieve, it is the better."

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*Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 19, 1952.

†Syed Amir Hussain Shah in the West Pakistan Assembly Debate on August 2, 1956.

‡Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 19, 1952.

Sardar Abdur Rab Nishtar, as noted earlier, had made a similar pronouncement in the April 1952 debate of the Pakistan Constituent Assembly. Referring to that previous speech a member had commented at the time as follows :—

*"Mr. Nishtar, was telling us that we did not understand our interests. He has referred to a certain Iranian quotation. Although I do not know Persian, yet I have understood what he means by it. He said: 'I want to save your interests. You do not understand your interests.'

"We do not understand our interests, this is what he has said. We have fought the battles of freedom. We have been nurtured in politics. We are really proud that we have fought the battle of freedom and nurtured in the politics, and today we are told by Mr. Nishtar that we do not understand our interests.

"I want to say that it is in the interest of the State to include the Hindus in joint electorate. We do know our own interests—not only our interests, but your interests also.

"If it had been in our interests only to have joint electorate, I would not have pressed for it so much, but I know, that it is in the interest of Pakistan as a whole.

"I know that the interest of Pakistan demand that there should be joint electorate. Once for all; begin it today. The earlier you do so, the better for you. It is the only thing that is desired at the present juncture in Pakistan, which will bring friendship, amity and love, so very necessary in the world today.

"Friendship, amity and love will naturally grow from it. There will be better understanding towards each other then."

†"Mr. Liaqat Ali Khan, the late Prime Minister of Pakistan, talked in most eloquent terms, three years ago, when he moved the Objectives Resolution, of Islamic polity.

*Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 19, 1952.

†Mian Mohammad Iftikharuddin in the Pakistan Constituent Assembly Debate on October 22, 1953.

"His speech made it very clear that it was going to give the world, not only to Pakistan, it was going to give to the world, a form of democracy which would not be sham, but which would be real.

"What we understood by that was that it would be a democracy which would give the people not only the right to live freely, but also would create conditions for them to live freely; not only the right to vote, but also create conditions for them to vote freely.

"That was where we thought lay the difference between the type of democracy, the type of polity that we were going to put before the world."

*"Democracy is a tender plant that is to be nourished and fed on various delicate things, like tolerance, equality, social justice, etc.

"If we want that democracy should really flourished in this country, we must make sure that we are preparing the ground for democracy.

"It is no use throwing a seed in desert when we know it is not going to take roots.

"Democracy becomes a mockery where there are no fair and free elections.

"After all, what is democracy? It is the expression of the sovereign will of the people.

"If you put fetters on their will of exercising their sovereign right of choosing their representatives—because all of them cannot come and sit in this House—you are cutting the very roots of democracy."

†"The individual, after all, what is he interested in?

"It should not be possible for anybody to do injustice to him. To do justice to the individual is the highest function of a State.

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*Mr. Abul Kasem Khan in the Pakistan Constituent Assembly Debate on October 21, 1953.

†Dr. Omar Hayat Malik in the Pakistan Constituent Assembly Debate on October 21, 1953.

"If the elections are not held fairly and impartially, there is no basis for democracy. There is not democracy. Then there is no democracy.

"It is a mere farce; it is worse than a farce; it is a delusion."

*"We do not want to elect our communal or sectarian representatives; we want to elect the best representatives, whether they belong to this community or that community.

"That is the democracy by which we swear; that is the ideal of nationality and oneness for which we stand.

"No amount of quibbling would help us in trying to minimize the value of the solemn pledge that the State shall exercise its power through the chosen representatives of the people.

"It may be said: 'We have also got a right to elect our people.' I say let us be sincere to our own heart; let us be sincere to God."

†"What is meant by democracy? Democracy means where the voice of the people predominates—not where the ruling power in a particular class predominates.

"Here, is it the voice of the people, and do you call it democratic?

"We have not been elected here on democratic basis in the least, and it is a cardinal and accepted principle of democracy of all States adhering to the principle of democracy, that power must not vest in a ruling class, though it may be very numerous. Power must vest in the people.

"In this connection I can read a portion of the Objectives' Resolution, where joint electorates have been guaranteed, and you are committing a breach of that solemn resolution by segregating us into unhealthy compartments.

"The very first clause is that 'Sovereignty over the entire universe belongs to God Almighty alone, and the authority which He has delegated

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*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 10, 1953.

to the State of Pakistan, through its people, for being exercised within the limits prescribed by Him, is a sacred trust.

"Mark the words 'through its people'. It has never been said that through only the followers of the faith of Islam. It has said 'through its people'. It has been definitely said: 'wherein the State shall exercise its powers and authority, through the chosen representatives of the People'."

*"What is the meaning of democracy?

"In all established countries, democracy means that there must be an opposition party.

"What is the meaning of the opposition party? The opposition party must have the potentiality of being converted into a majority party. If the politics are based upon religion, if a party is based on religion, what will be the position......?

"This opposition party, is a misnomer. This party is treated with contempt, and it deserves that, because we have not got the potentiality of being converted into a majority party unless there is one common electorate.

"So, in a democracy where there is no opposition party, there is a danger of its being converted into a single-party administration. It is nothing but a totalitarian State.

"I know here you are degrading the country into the position of a totalitarian State. You are creating a single-party administration.

"Unless there is a common electorate, and if the members are not elected by all citizens of the country, there will be a single-party administration, it is no other than a totalitarian State."

†"In all matters regarding the constitution, particularly matters regarding the right of vote and the right of election of the representa-

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*Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 15, 1952.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 19, 1952.

tives to the legislature, a fundamental question always arises that there should be different groups with different ideologies. It cannot be expected in any country that there should be one group only with one ideology.

"The question would be, what is the loyalty, and devotion of that group to what Ideology?

"Would all the Mohammadans be one group only, and that group would really owe allegiance and loyalty and devotion to one ideal only ?

"Or, is the economic interest of all the Mohammadans the same?

"Is the feudal landlord or a rich capitalist Muslim all the same, as a poor Muslim ? Is the communalist Muslim all the same, as a progressive Muslim in East Bengal?

"They have different ideals, and I think for the betterment of the country and for a real future of Pakistan, there ought to be different groups.

"And will there be one group in Caste Hindus? Now if there is a Sanatani Hindu, and on the other side I am a candidate, would I belong to that class? Certainly not. Or a Hindu from the group of Shyama Parasad Mukerjee, and I will be the same? Certainly not. Can we both follow one ideal ?

"So what would be the result? We have 5 electoral rolls and 5 electoral constituencies, and in each there would be different groups having different ideals to follow, having their devotion and loyalty to different ideals.

"It may be that Muslim voters of a Muslim Group may have the same ideals, as some of the voters of a Hindu Group.

"This devotion would make them meet, and would really cut at the root of the whole thing.

"Although being in one group, owing loyalty and allegiance to one ideal; practically, I would think that this division into five separate constituencies would create a very bad future for Pakistan itself.

"It would really cut at the root of the force of the party in the country. It is the object of those in power now to continue to retain their power, by making the progressive forces weaker and inept, that they would not like to come."

*"Separate electorates is undemocratic. It does not give Equal Rights to all citizens.

"The fact that according to the principles of Islam, as they have been advocating, the Islamic State will not be democratic, is conceded by the Ulema.

"This means that if we accept those principles, ours will not be a Democratic State at all. It will be a sort of dictatorship."

†"In no other Muslim country are there political parties based on the same consideration on which they are based in Pakistan, which we have unfortunately inherited as a result of past conditions that existed when the whole sub-continent was one country."

‡"Provision of separate electorates which did good to us while we were in the minority while in India, it has been said, cannot be denied to the minorities here in their own interest.

"But let us see what is the view of the minorities themselves in this matter in this House. Their unanimous demand is for joint electorate.

"If we in this side of this House can claim to represent the Muslims of Pakistan, it goes without saying that the minority members sitting opposite represent the minorities of Pakistan, and if their demand is for joint electorate, it does not appeal to me why we should deny them this right unless we are afraid of them.

"If there is any fear that the minorities who form only 15 per cent of the total population will be able to dominate over 85 per cent of the Muslim population, then obviously the authors in the grip of fear complex are guilty of under-rating the worth of Muslims.

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*Mr. G. M. Syed in the West Pakistan Assembly Debate on August 1, 1956.
†Mr. G. Allana in the West Pakistan Assembly Debate on August 4, 1956.
‡Mr. Shahoodul Huque in the Pakistan Constituent Assembly Debate on October 24, 1953.

"On the Pakistan issue the elections in 1946 were fought, and in these Muslims demonstrated the unity of purpose by voting even the lamp posts set up by the Muslim League for the sake of Pakistan.

"Now after Pakistan has been achieved, what is the cause for fear that the Muslims should behave differently? The hearts of the Muslims have been very sound.

"I am, therefore, in favour of conceding joint electorate to the minorities in Pakistan."

*"Ours is an infant State. The world is looking to us for our conduct, as to how we frame our constitution.

"It is a sorry spectacle that the representatives of the 86 per cent of the people sitting here have come forward with a Bill asking for reservation and safeguard for themselves, while the 14 per cent of the representatives sitting here as the minority demand joint electorate, and they are being denied it.

"Let not this unheard of thing go down in the pages of history. It will be to the eternal shame and disgrace of this government."

†"......I will read from a portion of the Report—the declaration of Montagu-Chelmsford Reforms in 1918:—

> 'There is another important point. A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority.
>
> 'On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purpose.

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*Mr. Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on April 15, 1952.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 16, 1952.

'......Much as we regret the necessity we are convinced that so far as Muhammadans, at all events, are concerned, the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship.

'But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters'."

(3) *Constitutional Ideology*—*"It is a well-known political formula that peoples desiring union, and not unity, have one of the essential conditions to the founding of a federal system.

"But besides the desire, the federating units must have other elements in common to bring and keep them together in a federal State structure: the federating units must be so closely connected by locality, by history, by race or the like, as may lead to the creation among the people the impression that theirs is a common nationality.

"In our case, it is neither locality, nor history, nor race. But there are other facts—not thus far very authoritatively recognised factors—the predominent being religion and the next perhaps is the common subjection to a foreign power prevailing till six years ago.

"These may supply, let us take for granted for the time being—leaving the posterity to judge if they actually do supply—a substantial basis for the formation of a federation.

"The co-existence of two rather inconsistent feelings is at the basis of all federation, namely the desire for national unity, and the determination to maintain the independence of the separate states......

"......We must note some predominant characteristics of a federation.

"They are first the supremacy of the constitution, as for example in the United States of America, where people far more easily grasp and

*Mr. Bhupendra Kumar in the Pakistan Constituent Assembly Debate on October 7, 1953.

accept the sacrosanct character of the constitution, than people in Great Britain do.

"Secondly, the distribution of governmental powers between bodies with limited and co-ordinate authority, such as the well-defined powers given to the Executive, to the Legislature and to the Judiciary.

"Thirdly, the authority of the courts to interpret the constitution.

"Fourthly, there is another characteristic, which follows more or less from the supremacy of the constitution, namely that every legislative assembly that may exist under a federal constitution is no more than a subordinate law-making authority, and laws passed by them partake more of the nature of bye-laws."

*"Constitutional law is the Basic Law, the fundamental Law; every other law is Derivative Law. The constitutional law merely provides the mode and the manner in which the sovereign power within the State can be distributed.

"......It declares what the principal organs of the sovereign power are, and defines the relationship of those sovereign organs *interse*......

"......That portion of the law which prescribes this framework is the law of constitution, and I hope some of my friends will agree with me when I say that, 'all that business' has nothing to do with the Quran or with the Sunnah.

"We do not say everything that you find here is from the Quran: we do not say that at all.

"The ideology is Quranic, the programme is Quranic, the approach is Quranic, but when we got down to the business of distributing sovereign power within the State, we have adopted......a certain approach."

†"I appeal to them, that let us get above party matters. Let us, when we are forming a new constitution, laying the foundation of a new

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*Mr. A. K. Brohi in the Pakistan Constituent Assembly Debate on October 23, 1953.

†Sardar Shaukat Hayat in the Pakistan Constituent Assembly Debate on April 17, 1953.

constitution, get above party level. Let us think of the Nation, 20 years ahead. Let us try to see what our children would be doing in this country.

"Therefore, let us be broad-minded and not petty people who want to get a majority of 50 people to support them, to get into the ministerial chairs; or the other side trying to get 50 people to help them to bolster up their majority, to get one or two ministerial chairs.

"Let us get down to a straight way, and build the strong foundation of a strong nation, which will help it to stand and weather all the storms which will come in future, and may God give us the strength to do things which will be in accordance with the justice, fair-play and unity, which should be there in Pakistan in all communities, whether they be Hindus, Caste Hindus, Scheduled Caste or Muslims."

*"The Report is not worth the trouble, or worth the expenses incurred over it. Its great merit lies in the fact that it has tried to satisfy East Bengal, Western Zone, the minorities, and the Muslim divines, but its inevitable demerit is that it has satisfied none, because it is a mere patch-work and has proceeded upon no principle.

"It has tried to satisfy the Provinces by giving them a permanent parity so far as the seats are concerned in the legislature in the centre, but it has deprived the Provinces of the autonomous character of their administration—a sheet anchor of the Lahore Resolution, upon which Pakistan is based.

"It has tried to satisfy the Muslim divines by giving them an Islamic constitution, but the divines now feel that theirs may not be the last word on legislation, because the legislature will have the last word. So they are not satisfied.

"It has tried to satisfy the minorities by guaranteeing them a free practice of their culture and religion, but as a matter of fact, the minorities have been made a class apart, a class of political inferiors and slaves, by making them perpetual minorities of the State, and depriving them virtually of all share in the administration of the country.

*Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on October 9, 1953.

"So, none has been satisfied. The Honourable Khwaja Nazimuddin in moving the Report said that it was the maximum agreement. I say, it was the maximum patch-work proceeding upon no principle.

"The Constitution is said to be federal, but it is so in name only. It is both federal and unitary in many of the essentials. One feature has been dove-tailed in the body of the other. It is a curious amalgam of the federal and unitary systems of government."

The above quotations prove that in a federal State, two contradictory forces are at work.

On the one hand, the federating units have sufficient common interest to permit the central government to legislate directly for the citizens of the units; to get elected directly by the voters, above the head of the unit governments; and also to enjoy superior authority over the legislature of the units.

But at the same time the units have regional autonomy, in which the central government cannot interfere.

These two opposite pulls inside the State are reconciled by what is termed "the Supremacy of the Constitution". The Constitution in this context means that fundamental law which distributes state authority among the different organs of the State—both at the centre as well as in the units.

Such a fundamental law even when inspired by the ideology of the majority population inside the State, obviously cannot ignore or even isolate itself from the ideological sentiments of the minority. In any case it cannot identify itself with the religion of any one religious community within the State. Such a lapse would cut at the very root of the conception of a federal constitution.

Thus sharing the State authority, jointly among all the communities, classes, and creeds within the State on a basis of constitutional equality, is the very first condition of a federal State.

The minorities in Pakistan have been critical of the extent to which Islamic religious ideology has already been incorporated into the constitution of the Islamic Republic of Pakistan.

In the circumstances, to compell the minorities to vote in separate constituencies would destroy the federal character of the State.

Hence the constitutional ideology of the State enjoins joint electorate, as a corollary to its very existence.

(4) *Patriotic Ideology*—*"The State must prepare its constitution in such a way, and should give it such a shape, which would tend to produce common patriotism, common standards of value, common willingness to make sacrifices for the common good, to find an ideal to which everyone can give his unstinted and equal devotion.

"These are the elements to which a State has to pay attention in order to prepare a Constitution.

"Do separate Electorates conform to this principle at all? Will they lead to find an ideal to which everyone can give unstinted and equal devotion?"

†"We believe in the Two-Nation theory. But here the question crops up what is Nationality? The answer is, it is unity. How unity can be got? The answer is, it can be got round a common centre only.

"Our common centre cannot be religion, but only loyalty to the State.

"The non-Muslims are also loyal to the State. I cannot understand why the Muslim majority community repulses the idea of unity with our countrymen, the Hindus, who want joint electorate. This gesture on their part is magnanimous and on our part it is narrow-mindedness......

"......In human organism, one grain of foreign body, makes it uneasy.

"The non-Muslims are one-seventh part of our national organism—the nation—and we cannot feel comfortable so long as their legitimate grievances are not redressed."

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*Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on April 16, 1952.

†Sardar Asadullah Jan Khan in the Pakistan Constituent Assembly Debate on October 8, 1953.

*"Democracy is no doubt a rule of majority, but the majority that does not even care to consult the minority, is likely to cut a sore and permanently gaping wound in the body-politic of the country.

"Democracy, after all, is the govetnment of the majority, and nothing else. Majority can make the life of the minority brutish, nasty and short. It is so, and majorities have done so on many occasions. Let us not be under any misapprehensions. A democracy can be very harsh towards minorities.

"But in an Islamic State there is no question of a majority's will. Certain principles take the place of the whims of the majorities, as to what they are to do to their minorities, and they have to follow those principles.

"Thus an Islamic State—if it is true to its principles—has no option in the matter. It has to be fair and generous to the minorities."

†"It will be argued by the Treasury Benches that democracy means the acceptance of the views of all sections of the people.

"That is a wrong definition, because one should accept the views of the different sections of the people, only when they are good for the country and they are good for the State."

‡"Our minorities constitute one and a quarter crores of people.

"For ever we have declared them foreign to ourselves. We have not given those minorities the rights, or the facilities, whereby they would have assimilated themselves in our national life.

"I think there is no amount of sophistry which can prove that we have not declared that these minorities cannot be a part and parcel of our national life."

§"The words which I have quoted above are the words of the Quaid-i-Azam who was the Quaid-i-Azam of one hundred-million Muslims. They

*Mr. Ahmed E. H. Jaffar in the Pakistan Constituent Assembly Debate on October 10, 1953.

†Professor Raj Kumar Chakraverty in the Pakistan Constituent Assembly Debate on April 15, 1952.

‡Mian Muhammad Iftikharuddin in the Pakistan Constituent Assembly Debate on October 22, 1953.

§Mian Muhammad Shafi in the West Pakistan Assembly Debate on August 2, 1956.

are very clear, they are unequivocal. He said that the Muslims and non-Muslims were the free citizens of this country, and these words are also reflected in the Constitution of the Islamic Republic of Pakistan.

"Why should we today discriminate against our own people. A non-Muslim who stays in this country, after the framing of the Constitution, deserves to be listened to with respect, unless you may have telescopes, unless you may have got some instruments to look into their hearts and find out sordid motives."

*"...... It is ultimately in the interests of the solidarity of the State itself.

"If no sense of oneness is to be fostered, rather the worst form of obstacles to it is deliberately set up, if no political status for vast numbers is to be recognised, you keep the nation permanently divided......"

†"We desire a political fusion with the Muslims. We know our section of the minority are not backward; they are quite intelligent; they have studied politics for a long time.

"Really in the history of the war for Independence of United India, Bengal's quota was very large and I am proud to say—look to the courts in East Bengal and look at the history of East Bengal—you will find those who did go to the gallows, those who suffered, 98 per cent of those were from East Bengal. It was East Bengal which did fight for it, and that spirit remains in us still.

"We know how to be faithful to the cause of the country; we are trained in that and, believe us, you will gain in strength if you take us into your confidence.

"Shelter must not be taken under any subterfuge, In this connection, I will not dilate on it any further, I have spoken my open heart. I am an old man almost at the verge of my life, and if I see that the minorities have got a right in the management of the sovereign State, I shall die happy—really I shall die very happy."

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on April 15, 1952.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 10, 1953.

*"We must have equal rights of citizenship with our Muslim brothers. I assure you and the members of this House that we shall stand shoulder to shoulder with our Muslim brothers in adversity, and expect to share the prosperity as well........

"...... Some of the members said that the non-Muslims did not join hands with the Muslims for the demand of Pakistan.

"I agree to a certain extent it is correct. But to say that all non-Muslims did not co-operate with the creation of Pakistan is not correct.

"I would refer here to Mr. C. Rajagopalacharya, the former Governor-General of India, and a stalwart of the Indian National Congress.

"After studying the 'Two-Nation Theory', he was the only man to support the theory of the Quaid, single-handedly, in spite of strong opposition from his party.

"I am not ashamed to say that as an humble volunteer of the Congress at that time I also supported the 'Two-Nation theory' of "C.R.", as I strongly believed, and I still believe, that Pakistan can be strong and prosperous, and can be counted as a first rate country in the world, if we all work unitedly and forget the differences of the past, as the Quaid-i-Azam desired.

"I will quote one more instance where non-Muslim minorities co-operated with the creation of Pakistan. I would refer to the Referendum in the district of Sylhet, where Muslims were not in an absolute majority. There, quite a good number of non-Muslims voted for the creation of Pakistan, and it is because of that co-operation—and it is because of that conviction of the non-Muslim minorities—that brought Sylhet district to our State.

"This is enough on the question that the non-Muslims did not co-operate for the creation of Pakistan."

†"It is an infant State. Let the State grow. We are going to build it up. Do not treat us as the foreigners. Do not treat us as some mischievous papers are writing that we are being guided by outside interests."

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*Mr. Madhavji Dharishbai in the West Pakistan Assembly Debate on August 4, 1956.

†Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on April 18, 1952.

*"Now if any one would think that if these rights were given, to what political party we would belong, I think I can say that your Muslim League parliamentary party, as it is now constituted, does not admit any one to be its member unless he is a Muslim.

"But the moment you make a party based on non-communal lines, so that I am entitled to be its member, you will find, if your ideology is such that you will work for the welfare of the people, the minorities will flock to your fold.

"Why are you afraid that the minorities will be against you? Give them Equality. Take them and allow them to be members of your party, and you will see what contribution the minorities will make towards the cause of the State, towards the cause of humanity.

"This mistrust in us must be removed. Confidence really creates confidence."

†"The greatest difficulty with the minority community is that often they are accused of bringing about friction between two parties of Muslims.

"In case there is joint electorate and we do not return, our Muslim friends will never have the audacity to accuse us of such charges, charges which are rather undesirable........

"......Joint electorates will not only minimise all religious and communal differences and bring about cordial relations between the various sections in Pakistan, but it will also be a factor to strengthen and consolidate the very foundations and the edifice of Pakistan.

"If the practice of classification of nationalities is followed, there will be so many nationalities in Pakistan."

‡"We have this funny idea in our heads that the best determinant of nationhood was 'Her Great Britannic Majesty, the Queen Victoria.'

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*Mr. Kamini Kumar Dutta in the Pakistan Constituent Debate on Assembly October 10, 1953.

†Mr. Dharandas Motumal Varyani in the West Pakistan Assembly Debate on August 4, 1956.

‡Mian Muhammad Iftikharuddin in the Pakistan Constituent Assembly Debate on October 22, 1953.

"We feel that the test of nationhood was determined by the British Government, and that applied to us till eternity. We feel that the Muslims of Pakistan are One Nation because the Britsih conquered these areas 100 years ago.

"Had by any chance the British failed to conquer the Punjab as they had for so many decades, and Sind and the Frontier; according to our concept of Nationhood, Punjabis, Sindhis and Pathans would not have been one nation with Bengalis.

"On the other hand, had the stubborn hills of the Frontier and the brave tribes living in them not stopped the British influx at the Khyber Pass, even Afghanistan would have been brought within the fold of the British Dominions. Even Afghans would then have been one nation with us.

"This test, viz., the test of British-conquest, as determining factor of nationhood, to me is a very wrong test. We should never depend on that. This is not the test.

"When you talk of Muslims, why should you close the doors of co-operation, provided ideologically they also develop in the same manner as we have and they are also democratic States; why do you close your doors to Afghanistan, to Indonesia and to other progressive countries, Muslims and even non-Muslims?

"Why do you close your doors of co-operation? Why do you make such a Constitution?

"On the one hand, you say Muslims of the world are one nation, and on the other you put such definitions in practice on nationhood that it is impossible for any Muslim or non-Muslim progressive State to co-operate with you.

"Why this contradiction? Today, if we had framed a constitution which happens to be natural to the genius of our people; in fact, instead of opening the doors of disruption and disunity, we would have opened the gates of unity and accession, of future strength and accession of more States to our people; but we have not done that, because it did not suit the peculiar genius or the requirements of the people that rule us.

"The use of the word 'Islamic' is really derogatory to the ideology as understood by the common people. Our leaders are using it as a slogan and have forgotten the spirit of Islam."

*"I do not see any reason why we should not build up our politics and our political arrangements on the basis which will help the solidarity of Pakistan as a nation."

†"If they want to divide the people on religious basis, why do they put those persons into jail who say they are Pathans, they are Sindhis, they are Baluchis.

"When you divide on religious grounds, on the same principles you have no right to restrict the people to be divided on the basis of language and culture."

(5) *Philosophic Ideology*.—"‡We had told the world crying from house-tops...... that we had a new ideology to give to the world...... that Islam is the panacea of many of the world's difficulties and problems of the day.

"There are many of us here, rather all of us, who believe in this end. Therefore, we considered no sacrifice great enough for achieving a small corner...... where we could translate into action what we had been saying from the house-tops.......

"We achieved success in our mission, and secured a corner.

"We said now we must frame a constitution which would pave the way for translating into actions our ideology, and making that little corner what we wanted it to be."

§"Above all, the ten crores of Muslims, inhabiting the Indian sub-continent, wanted to carve out a Homeland where they could mould their lives according to their ideology, beliefs, genius, aspirations, and reinforce the foundations of their pristine culture and civilization in keeping with their particular customs and traditions."

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*Sardar Shaukat Hayat in the Pakistan Constituent Assembly Debate on April 17, 1952.

†Mr. G. M. Syed in the West Pakistan Assembly Debate on August 1, 1956.

‡Begum Jahan Ara Shah Nawaz in the Pakistan Constituent Assembly Debate on October 13, 1953.

§Sardar Amir Azam Khan in the Pakistan Constituent Assembly Debate on October 26, 1953.

*"I say this communal electorates is: (1) opposed to the teachings of history, I shall not amplify it now, but when that stage comes I shall speak more on it. (2) They preserve class-division. (3) They stereotype the existing critical situation. (4) Separate electorates are an undoubted obstacle in the way of the growth of sense of common citizenships. (5) They constitute a very serious hindrance to the development of the self-governing principles."

†"Politics is the art of the possible and, therefore, we should not yearn after ideal solutions, but after practical solutions which will work."

‡"We have preached from many platforms and the Press that we want to give the people Islamic Sociology, which means certainly a better distribution of wealth, in the country.

"But , have we made in the last six years any conscious effort to secure to our people the benefits of a better distribution of wealth in the country? Not to my knowledge.

"Are the People going to be happy and contented, when we simply tell them that we are going to give them an Islamic State: We are going to give them an Islamic Head of State.

"But I can tell you that the people will not be satisfied, if we fail in securing for them the substance of Islam, the substance of freedom, the substance of existence, without which it would be futile for us to expect that we can offer them an ideology, which is better than capitalism on the one hand, and communism on the other.

"If we really believe that we mean to give the world a higher and better ideology, that ideology will have to be based on the fundamental principles of equality—equality of opportunity, equality in many other respects."

§"Political values are not permanent. Politics is not an exact science, like mathematics, where two and two is always four.

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*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October 24, 1953.

†Dr. Malik Omar Hayat in the Pakistan Constituent Assembly Debate on October 21, 1953.

‡Mr. Abul Kasem in the Pakistan Constituent Assembly Debate on October 21, 1953.

§Syed Amir Hussain Shah in the West Pakistan Assembly Debate on August 2, 1956.

"What may have been good for a people in the past, need not be good for them today.

"If separate electorates were good for us in the past, they are certainly not good for us today, because they would encourage separate tendencies among the non-Muslims in Pakistan.

"Our object is to build up a strong and united nation. How are you to build up a strong and united nation, if you divide the people into several sections? How can you build up a common nationhood, if you give the minorities the permanent feeling that they are inferior citizens of the State?

"By inculcating this inferiority complex in them, you will deliberately undermine their loyalty."

*"It was necessary for the creation of Pakistan, and everywhere where separation is necessary, or when there is some quarrel or dispute then such demands are made; but as the dispute has come to an end, Pakistan has been established and as Pakistan has come to stay, now it is the duty of the nationals to make the nation, Pakistani nation, very strong.

"How can you do that: by establishing unity among the different communities, living within the borders of Pakistan. And for the unity, I propose that there should be joint electorate, and nothing short will put an end to this eternal quarrel between Muslims and non-Muslims.

"This is the only solution for it. We should not interfere with anybody's religion as Quaid-i-Azam said, most justly and equitably, that in Pakistan we want to build up such a nation, which will forget to call themselves Hindus or Muslims or Christians, but they would work harmoniously as one nation, known as Pakistani nation.

"So I say, joint electorate is the only method by which we can achieve that end which was dictated by our beloved Quaid-i-Azam."

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*Mr. Birat Chandra Mandal in the Pakistan Constituent Assembly Debate on April 17, 1953.

*"A constitution binds the future generations to our wishes much more than an ordinary law does...... By framing a constitution we are subjecting the future generations, for centuries we hope, to our wishes.

"Therefore, in undertaking our task, we must be conscious of our responsibility to the future...... so that what we lay down now in the Constitution can prove suitable not only for the present, but also for the time to come.

"We should, in any case, be free when making a constitution, from considerations of persons and parties—persons change, and parties change—they are not eternal but transient.

"Similarly, ideas of progress and reaction—they also change. Fashions and ideas change. Climates of political opinions change. What is supposed to be fashionable political thought today, may not be fashionable fifty years later and so on.

"We must not be influenced only by the present when we are framing our Constitution; we have to act like statesmen and have to pay due regard to the time to come......

"Statesmanship means the capacity for forecasting future events and making provisions in anticipation of those events."

†"Constitution is a matter which concerns the whole nation, not only the present generation but also the future generations to come.

"Many a political party may come and go, many a Ministry may be formed and go discredited, but the constitution comes to stay on for ever, to lead the State to prosperity and vitality, to new life and vigour.

"Constitution is a matter which is extremely vital to the whole nation, and so when we are discussing the vital principles of such a constitution we should rise above party politics and see things dispassionately.

"We must look to these points not in a way to cover only my own or my party's view-point alone, but we must keep before our mind's eye the

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*Dr. Malik Omar Hayat in the Pakistan Constituent Assembly Debate on October 21, 1953.

†Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on October 19, 1953.

whole nation having different sets of people with different types of opinions and ideas and outlook, and should try to anticipate all possible practical problems that may come before the country.

"We should also look to the new set-up that the world is getting everyday. We will fail in our task if we cannot take a broad view."

*"There is another argument advanced in favour of separate electorates which has been widely circulated and quoted by one of the members of this House, Mr. Joshua Fazal-ul-Din, from the writing of Maulana Maudoodi, that by the system of joint electorates, the minorities who are advanced, who are too clever, might manoeuvre and steal a march in the legislatures over the Muslim majorities."

†"The Muslim Leaguers would like to build the foundations of Pakistan on this communalism, on the hatred that existed between the two communities, which ruled out any other course that the Quaid-i-Azam might have taken to solve the problem of our struggle for freedom.

"Now, hatred and communalism are very negative factors and no nation which builds its superstructure on foundations made of such negative stuff can last very long.

"Negative forces go to make very shaky foundations. The foundation of a nation is always made of the more positive stuff of ideals and ideology......

"...... Joint electorates help welding communities together On the other hand by having separate electorates, you go away from your ideals, because you encourage separatist tendencies amongst the non-Muslims of Pakistan, just as separate electorates encouraged separatist tendencies amongst the Muslims of India.

"......The main argument of those who support separate electorates is...... that this system of electoral law constitutes the very foundation on which the superstructure of Pakistan has been built...... If you take

*Mr. Madhanji Darisbhai in the West Pakistan Assembly Debate on August 4, 1956.

†Syed Amir Hussain Shah in the West Pakistan Assembly Debate on August 2, 1956.

away separate electorate, you destroy the very foundation of Pakistan.... In order to build up a strong and united Nation, you must keep its people permanently divided into two or more sections.

"...... There is no interpretation of our struggle for Pakistan.... which can be more absurd than the interpretation which has been given in this House. This interpretation is patently illogical and stupid. Let us look at the history. Before Partition when we asked for a Homeland, we did not at any time ask for exclusively Muslim areas. We asked for Muslim majority areas which were to be the home of Muslims as well as the non-Muslims living in these areas, and where the Muslims and the non-Muslims were to possess equal rights of citizenship—not only just possess equal rights of citizenship, but also enjoy a complete sense of equality with the majority community......."

*"On the 3rd June 1947, the scheme was announced and broadcast. But, on the 2nd June there was a conference in which it was finalised, and I think my friend Nishtar was there on the 2nd June when it was finalised. There were Pandit Jawaharlal Nehru, Kriplani and Sardar Patel.

"Mr. Jinnah also in his speech of the 11th August, 1947, said that this was by agreement or by settlement.

"He gave out his mind on that day after Pakistan was formed. He said that in Pakistan there will be no Muslim, no Hindu, no Christian, that religion is a personal thing and they would be allowed to go on with their religion.

"He was a man of his word. He knew that scheme and therefore when that was discussed, as I have told you at the beginning, he said that this will be a national, modern State. By nationalism, he said it includes Muslims as well as non-Muslims.

"It was a composite nation. It was to be decided according to majority. Those parts in which Muslims were in majority will come to Pakistan, and those areas in which Hindus were in majority would go to India. Only this, but not Muslim areas or Hindu areas.

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*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October 24, 1953.

"There will be about four crores of Muslims in India it is mentioned here—and there will be one crore and 90 lakhs of Hindus in Pakistan. There will be plebiscite in Frontier and Sylhet, and they will decide whether they will go to India or to Pakistan......

"Although Frontier is absolutely a Muslim majority area, still I think there was some trouble whether they will come to Pakistan or India......

"...... My friend Mr. Nurul Amin says that others have practically no right. Can you say that ? If you say that, then, that is breach of faith, breach of trust and breach of pledge, so far as minorities are concerned, so far as Hindus are concerned......

"...... The hands of the Muslim League in Pakistan, and the Congress in India are tied by this agreement."

*"...... If you want to make Pakistan strong and prosperous, you must make all the sections of all the religions of Pakistan work together whole-heartedly, and in co-operation with each other. But if there is going to be separate electorates, then the various sections of the citizens of Pakistan will work separately, and they will think in their own way, and there will be no collaboration amongst them......"

†"If I go by a plane there (outside Pakistan) I have got to say that I am a Pakistani, and if my friend Mr. Nurul Amin goes he will also call himself a Pakistani there. So where is the difference? If you want to talk about Two-Nation theory, when nobody believes in it now, that will be absolutely foolish."

‡"These two system of education should be moulded in such a way that there is no clash, there is no conflict, there is mutual harmony between the two, so that one will assimilate the other, and the other will assimilate the one, and a formula, a system, of education will have to be evolved in order to create the genius in our country to shoulder the responsibility of Pakistan in future.

*Mr. Prem Hari Barma in the Pakistan Constituent Assembly Debate on April 10, 1952.

†Mr. Birat Chandra Mandal in the Pakistan Constituent Assembly Debate on April 17, 1952.

‡Mr. Abdulla al-Mahmood in the Pakistan Constituent Assembly Debate on October 22, 1953.

"The constitution which they are going to frame today is not intended for today or tomorrow, but it is going to be for our future generations, who will in their turn take the responsibility of educating their children and coming generations to give a final shape to what is meant by an Islamic State."

*"Political connection now-a-days binds the people more.

"I have seen those who are politicians, they are all united. There is no caste system there. I have seen in the Congress. There is no caste there. Then there used to be meetings of the Muslim League and the Congress—there was no caste system there. They were all friends and became friends in that way.

"Politics is a great leveller. Now people get together more through politics than through social customs and religion. People are more attached to political unity—not social and religious......

"...... I have run my race, but I am anxious for my children, for our descendants, who may not fight amongst themselves, Muslims fighting against Muslims, and Hindus against Hindus."

†"This...... wants to remind everybody in every step of his political life, that he is either a Muslim or a Hindu or a Christian or a Budhist.

"He will enrol as a communal member. He will vote as a Hindu or a Muslim. He will have to stand as candidate as a Hindu, a Mussalman or a Christian or a Budhist.

"Every member when returned will have to feel, work and to help only the members of his community, because that will be his exclusive constituency.

"The entire political life will be patterned entirely on communal frame, and one can imagine how the total and indivisible love for Pakistan will be split into communal and compartmental patriotism.

*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on April 18, 1952.

†Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on April 16, 1952.

"If there is no common or joint electorate, the Muslim Leaguers coming from the Muslim electorate will have to sit in the Muslim League meeting, and will be bound to speak what his electorate, will ask him to say.

"Similarly, Caste Hindus coming from Caste Hindu electorates will be bound by the decision of communal electorate, and similarly the Scheduled Castes, will side excessively with their own interests.

"The whole outlook would be divided into compartments, and this sort of compartmental patriotism would be dangerous for the State.

"This political separation caused by the creation of politically separate electorates, will end in dividing the Caste Hindus, the Scheduled Castes and the Muslims into separate eompartments in social spheres also.

"With the independence of the country, people have become conscious political beings, and their political set-up and outlook will regulate and mould their social and cultural set-up.

"So unconsciously as a result of this political separation into separate electorates, the groups will be crystallized into separate units, so much so that the differences will grow up in social life and cultural life as well....

"......If you separate them into separate political units, they will think about their political interests separately, and in course of time in all spheres of life a separatism will develop......

"...... If I am returned by, say, the Budhist constituency, my first and direct responsibility goes to my constituency. I should feel for the Budhist first and for East Bengal later, because I know if the House is dissolved today, next day, I shall have to approach the Budhist constituency, from which constituency I am entitled to stand for the Assembly.

"So, our point was that if the members were elected on communal basis, communal outlook and communal ideology would perpetuate, and that it would go against the basic principles of democracy."

> *"It (Separate electorates) creates an inferiority complex in the Muslims, and diverts the attention of the people from the real and

*Mr. G. M. Syed in the West Pakistan Assembly Debate on August 1, 1956.

permanent issues to temporary and imaginary things, and encourages the vested interests."

*"It has greatly amused me to see that the landlords of this side, and the landlords of that side, of the House have joined hands together in demanding separate electorate for their own respective interest."

†"If joint electorates are given, they will be to the benefit of Pakistan. By that we shall feel that we have got a share in the administration of the country. We shall begin to develop.

"But if a certain section of the community of the people is denied this right, other sections will be crippled thereby.

"Therefore it is for the interests of Pakistan, for the solidarity of Pakistan, that I demand joint electorate.

"I demand a common electorate in which all shall have the right to vote commonly......

"...... You want to divide the Hindu society. You want to restore untouchability. You are guilty of it. I say you are guilty of it. We want to remove untouchability,and we have been successful in removing it.

"But, I say and I give you this charge, standing in this House, that you want ro restore untouchability.

"Not only untouchability in the society, but you want to create political untouchables like us. Therefore, I give you this warning for the solidarity of Pakistan, for the solidarity of our State.

"I appeal to you in the name of humanity, in the name of unity, in the name of amity, in the name of friendship, in the name of love and in the name of everything that is good for all, and for us.

"Do not create untouchables like us. Do not create social untouchables among the Hindu Caste......

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*Mian Muhammad Shafi in the West Pakistan Assembly on August 2, 1956.

†Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 15, 1952.

"The other day I was reading some slogans by the South African coloured nations: 'Democracy for all, not for Whites'. I altered this slogan 'Democracy for all, not for the Muslims only', which will lead to the solidarity of Pakistan. Pakistan Zindabad......

"It is a peculiar thing, unheard of in the world and when the history of our nation is written this will be the blackest measure ever put forward in a legislation.

"It can only be compared with the *Apartheid* clause in South Africa—it can be compared with that legislation enacted in South Africa by Dr. Malan—and with nothing less than that. What is the present position of Dr. Malan's legislation.

"The coloured nations objected to their names being withdrawn from the common electorate. There should not be a separate electorate for the coloured nations.

"It seems there are coloured nations living in East Bengal, and I feel that Dr. Malan's conduct is being copied by the administration. They can be compared only with Dr. Malan and the proposed legislation is the blackest measure ever put on a statute book."

*"This will be a model only to Malan of South Africa. Do you know what is the provision there? Here also you have made a similar provision. We shall be able to vote; even there is also the same provision, the coloured people are entitled to vote, but their representative will only be the white man, in their election.

"You have not decided that the Head of the State will be elected by the Muslim votes only; he will be elected by the members. I have got to vote. There also the coloured people have got the right but to whom the vote is to be cast? The white man! Their representative will be a white man.

"They have no question of religion, but colour is the religion. Now in the matter of voting White men have got the best religion because they are colourless, others are coloured. They are superior people.

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*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on October 24, 1953.

"I had a talk with some South African people in New Zealand when I was there, and they said you have also got separate electorates in your country."

*"What will you say when the South African Pakistanis will ask for your help? How you will help them? How the Honourable Minister for Foreign Affairs will face Mr. Malan?

" 'But you have made five registers. If it is convenient for you to divide in five registers, why do you object to our division of the register into two?'

" 'Your people are not divided in that way—coloured and white. You are all black and coloured. You are all coloured Pakistanis, still you have divided your register.'

"I am afraid of that. That will be a great danger to our friends abroad. They will say so. For that reason alone I want that let there be joint electorate.

"Do it for the sake of our people who are in a precarious condition outside Pakistan, so that it may do some good to them. Otherwise this one fact will make them out of court."

†"Perhaps the assumption is that in Pakistan there will be no growth of political parties at all. The only party which will rule would be the party based on faith in religion.

"If that is the future dream which is in the mind of some persons, then I can tell them that they are thinking of a very unprogressive country.

"I am bold enough to think. I know the young generation so far as East Bengal is concerned. I can say that they have a more bright future in their imagination.

"They do not think of a communal political party alone. They think of political parties with an ideology, which can keep pace with, and can progress in the world.

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*Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on April 18, 1952.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 10, 1953.

"If you think that the only political party which will have any existence in Pakistan would be a communal party with its faith in religion, I can say—do not think that I am saying anything against your religion. I should not be misunderstood—that you are not the friend of your State.

"I am quite confident that not in the distant future, but in the proximate future, the younger generations, who are the future generations of this country, will think of building up political parties on political ideology, an ideology which will really look to the interests of the people, not to the few vested interests."

*"Honourable Mr. Nurul Amin while criticising Mr. D. N. Dutta said that:—

> 'The Muslim League is the organisation or you may call it a party now, which has a right to give a Constitution according to its own ideas, according to its own ideology, to the country, to the people.
>
> 'Those who are opposed to the Muslim League; those who opposed Pakistan Movement, they come and suggest do this and do that.
>
> 'Constitution-making is the responsibility of the Muslim League. They have brought Pakistan from a dreamland to the land of reality, and they are bound to give the country a constitution of their own ideology, etc.'

"Pakistan has come into existence not as a result of an independent movement of the Muslim League only.

"The movement for Pakistan was mixed up with the much bigger and extensive movement of the Indian struggle for independence throughout Indo-Pakistan, and Pakistan came as a by-product when the whole sub continent became independent.

"So those who fought and suffered for independence and are inhabitants of Pakistan, have as much right and claim to take part in the framing of Pakistan's Constitution, as Honourable Mr. Nurul Amin and persons like him have.

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*Mr. Janendra Chandra Majumdar in the Pakistan Constituent Assembly Debate on October 23, 1953.

"Even if we accept for argument's sake that the All-India Muslim League was the sole agency which brought Pakistan from the dreamland to the land of reality, let us see what kind of League it was that did bring in Pakistan.

"I am just quoting Mr. H. S. Suhrawardy's statement, which appeared in today's *Dawn*. This is what he says:

'He (Honourable Mr. Mohammad Ali) refuses to recognise that after the Partition, when the All-India Muslim League died a natural and logical death, a new Muslim League was organised, known as the Pakistan Muslim League, in which those persons only were included who pledged their support to the ruling clique, and persons of independent views were meticulously excluded.

'The Muslim League, trunk, branches, leaves and tendrils, were all nominated by the ruling party, i.e., the Ministry. This can hardly be considred a legitimate successor of the old Muslim League, to which all of us belonged. It can by no means be called a national organisation, or even a political party—it is just a Government junta.

'What kind of a party is it which today—in a full throated manner—supports a Prime Minister, or a Chief Minister, and tomorrow when he is out of power, not one voice is raised in support; on the other hand, he is condemned and derided; when Provincial Premiers and others refuse to serve on his Working Committee once the President is out of power; when persons who were never in the Muslim League before, are put in power as Muslim Leaguers in the course of a few hours; when persons are in power who either fought against Pakistan, or were never members of the organisation, but are now powerful Ministers, holding important portfolios; when the entire policy of the League is fashioned and formulated by Provincial Premiers in the interests of their own power politics; when Ministers condemned for inefficiency and worse in one regime are placed in positions of responsibllity in the next, and are supported with all their sins washed away'."

Gulf between Two Pakistans

When joint electorate is supported with reference to the relationship between the two wings of Pakistan, the first part of the argument is that despite federation, the two zones s ill preserve their peculiar individual identity.

The disparity between the two Provinces is a corollary of the respective geographical positions, the industrial development, and the resultant economic requirements.

In a federal State, regional autonomy does not in any way detract from the integrity of the nation.

The interests of the minority as such do not clash with the majority. Rather the minority in East Pakistan is much closer to the majority in that Province, as compared with the internal clash of interests of the majority community inhabitants in the two federating units.

In the circumstances, the best method for strengthening the solidarity of the federating units is, to nourish a territorial and State patriotism, over and above communal distinctions.

Joint electorate is likely to feed such a super-communal nationalism. Separate electorates will cut at the very root of a national feeling, by emphasising, preserving and perpetuating communal suspicions, distrust, and fanatic rivalry.

Let us examine the elaboration of each one of these points turn by turn.

We can make a start with an extract from a speech of Mr. A. K. Fazl-ul-Haq in the Pakistan Constituent Assembly on October 24, 1953: "Four and a half crores of inhabitants are there in East Pakistan. Twenty-five per cent of this population happens to be non-Muslim.

"The position is quite different from Baluchistan where everybody is a Muslim. You cannot have the same constitution for all the different Units of Pakistan. It must be different from unit to unit. Leave East Pakistan to work out its own destiny.

"My difficulty, therefore, in joining the Muslim League is that the Muslim League is in favour of the proposals to which the country is opposed, and that is a fact.

"I ask the House, especially my friends from Western Pakistan, to consider the geographical position of Eastern Pakistan vis-a-vis the Centre, the seat of Government. We are in Eastern Pakistan, the Central Government is at Karachi.

"The centre is on the ciscumference; and consider the disadvantages of the governed people who are governed from 2,000 miles away, without any communications whatsoever, which can bring the governed into close contact with the governors.

"It means coming by aeroplane, in addition to the risk of your being through a crash and losing your life, you have to spend Rs. 500 to 600. How many of us, can afford this sum?

"If you want to file an appeal in the Federal Court, you have to go to Lahore and spend thousands of rupees.

"What harm have the people of East Pakistan done that 4½ crores of them be put to this disadvantage?

"Why advantage should be given to Western Pakistan, so as to make the people of Eastern Pakistan feel that they are not being fairly treated, and you expect them to say that everything is quite all right in Pakistan."

*"Whether you like it or not, the Bengali loves his language, the most developed in the entire sub-Continent, is proud of it, and will not accept a subordinate position offered to it in the State.

"The Bengali took to English education earlier, and was influenced by modern rationalism, and will greatly resent any recidivisitive policy in Education.

"Again, in habits of life and cultural outlook of the intelligentsia, Bengal finds the West, as she herself was in the forties and fifties of the past century.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on October 7, 1953.

"The two wings have different standards of living that make the common people resentful of the luxurious ways and overbearing manners, allowed to officials from the other part.

"In matters of finance and commerce, if East Bengal could have her way during the last few years of her independent existence, it is doubtful if she would have allowed her jute trade to be ruined for good—the only substantial trade that used to bring her any cash money.

"In international relations, the only common ground is India. Otherwise, West Pakistan is more intimately bound up with the Middle East, while East Pakistan is with South-East Asia. East Pakistan has her peculiar defence problems, also.

"Putting all these factors together, I would once again urge upon the House to approach the problem in a more unconventional way.

"The implications of the present recommendations are, and a suggestion has been put forward, that Karachi must have a stronger hold over East Pakistan.

"All this is mad advice.

"A federation by its very nature abhors centralisation of authority, because of the fears entertained by the different units.

"The two parts of the country are separated by many hundred miles of a foreign land—at the one end being the numerically larger zone, a homogenous unit; and at the other, another zone ethnically, linguistically and traditionally divided into a number of units; not all of them likely to be paving their way under the proposed constitutional set-up.

"Between these two zones, the more secure, but very much slower, communication is by a 3,000 miles sea route.

"This is an extraordinary lay-out, for any country, and has neither precedent, nor parallel.

"Two geographical entities have necessarily introduced other differences—differences in the elements of race, language, habits of life

and thought, ideas and ideals of life, culture and education, economic needs and resources, as also problems of defence and international relations."

*"Everybody knows that Bengal is a bit distinct from the other Provinces.

"Percentage of education is higher there. Political consciousness is definitely high, because it is a land of poor middle class people with the tradition of being the place of political movements during the British regime.

"We cannot treat them as political minors and thrust anything on them.

"Muslims of East Bengal, whatever might be the position in other provinces, are always, in social and cultural matters, moving with all the other communities in cooperation and friendship, and having good relations with other communities.

"In their political outlook they believe in the integrity of the nation; they believe in the political compactness of the Province also.

"I believe I am perfectly right to say, and I am in duty bound to repeat the view again, that separate electorates will injure the Muslim cause of Bengal.

"I am a man who lives with the Muslims of East Bengal and who knows them, not through certain official files only, but feels in his blood the throbbings of their feelings, wishes and their aspirations........

"...... Feeling for one's Province is neither bad nor unnatural. I cannot forget that I belong to Bengal. I cannot forget the interests of Bengal.

"If that is provincialism, I would like to be called a provincialist of the first water.

"The remedy is to improve and not to make a fetish of provincialism. See genuinely to the difficulties and complaints of the Provinces."

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*Mr. Bhabesh Chandar Nandy in the Pakistan Constituent Assembly Debate on April 16, 1952.

*"The minorities, under the proposed scheme of things, will tend to become a purchasable commodity. And that will be not merely demoralising and dangerous for themselves, but harmful to the entire nation. But that will be the inevitable consequence in the conditions of helplessness and depression they are passing through.

"The element of idealism that grew up into a great asset during the nation's struggle for freedom, is already fast on the wane.

"Then, in this conflict between the two wings, if those who are counting on their strength of numbers, while dominating the minorities by the mechanism of separate electorates, and at the same time looking wistfully to undisturbed power all over, till the end of time, share the conception of Frederick the Great of Prussia, who used the armies raised from conquered Saxony, in making further conquests; then I believe, they are taking too much for granted.

"In constitution-making, we cannot afford to be eclectic.

"We cannot make it religious or secular, federal or unitary, oligarchical or democratic, just according as we please.

"We must take into consideration the basic facts of the nation's life as it is growing, as well as the needs of the time.

"We want a federation. But we may not have it just for the mere asking. Expert opinion has it that a federation flourishes only among legally disposed people. It has worked with unparalleled success in U.S.A., because the people there are said to be 'more thoroughly imbued with legal ideas, than any other existing nation'.

"In spite of Tocqueville's remark that the Swiss fell far short of the Americans in reverence for law and justice; and Switzerland having seldom separated the functions of the judge from those of the Government; the people in general are law-respecting and leave much of their political influence to the Courts.

"From these and similar other instances, the conclusion has been arrived at, that unless a people develop a judical detachment

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*Mr. Bhupendar Kumar Dutta in the Pakistan Constituent AssemblyDebate on October 7, 1953.

acquiescing in the finality, even of mistaken judgements by courts, they are 'hardly fit to form part of a federal State.'

"But what is our attitude? Even the little judicial detachment we acquired during the days of our slavery, we seem to have lost already. Ministers and officials have reverted to the Oriental ways of personal rule, and, in more cases than not, been inspired by motives of personal gain and personal revenge, and personal jealousy and favouritism.

"That element, together with the centrifugal forces, certain to be created by the introduction of Islamic principles and Islamic law, will make any federal democracy unworkable and will, sooner or later, sooner rather than later, in this age of rush and speed, usher in a military dictatorship, as a reaction to the fissiparous forces.

"Then again lawless tendencies have grown in offices as in the public. Not merely Ministers plead helplessness, when complaints are made; even official Press Notes and Ministerial statements, often explain away certain types of incidents as crimes of the sort that may occur anywhere at any time.

"That only proves that there is little respect for law in any quarter, high or low, and it is debatable if any common type of federation can function here."

*"These two wings are populated by people with different outlook on life, different culture, speaking different language.

"Any constitution which will be framed for Pakistan must pay special attention to these features. It must lay down that the two units would be autonomous.

"The whole idea is to make a strong central head, a strong Centre tantamounts to a monarchical form of government. Even all the clauses envisaged are to be found in monarchical forms of Constitutions."

†"We should not forget that Pakistan requires development—developing all its aspects.

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*Mr. Nur Ahmad in the Pakistan Constituent Assembly Debate on October 13, 1953.

†Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 10, 1953.

"And, East Pakistan cannot be developed in the same manner and by the same process as West Pakistan.

"West Pakistan had got some special facilities and opportunities which East Pakistan did not have. But East Pakistan has to be developed.

"In this regard you have to pay attention to environments of the Province, the resources it possesses and the man-power it has which would contribute to the building up of a welfare State.

"So, in the allocation of the functions and powers, I can only say that we should be very alert, and see that we do not give practically all powers to the centre and starve the units altogether."

*"In my young college days I remember to have seen a scene shown in a dramatic performances. Two quarrelling brothers were separated by their mother, and made to sit down by her two sides. But the brothers beings out of each others' reach began to quarrel with claims for their mother's body, each claiming, as his sole concern, his mother's limbs and body nearest to him.

"So they began to strike with their hands on the side of the mother on the other side of him, as if he was striking his brother's thigh.

"When ultimately the big and stronger brother took up a big knife to strike at his mother's thigh on the other side of him, the mother rose up and began to cry for help.

"So, if this Bill is passed now, mother Pakistan will one day rise up and cry aloud : "Help. Save me. They are going to cut my limbs."

†"The misconception from which we suffer is that we often mix centralisation with unity.

"Unity and centralisation are not the same thing. If centralisation really means unity, then the existence of District Boards, where we have so many departments, such as village schools, primary schools, roads and lightings, etc.—all these things would lead to disruption.

*Mr. Janendra Chandra Mojumdar in the Pakistan Constituent Assembly Debate on April 16, 1953.

†Mian Muhammad Iftikharuddin in the Pakistan Constituent Assembly Debate on October 22, 1953.

"Actually, if District Board subjects were brought into the Central Government, the State will disrupt a year earlier than it would have done otherwise. Therefore, nobody argues that these subjects should be transferred to the Centre.

"Subjects are governed and are allotted, according to their convenience. So, centralisation can really result in disruption and not unity.

"If you centralise in that way, there will be revolt in Bengal; if you brought in all the subjects that there are today in Bengal, you will find that their will be a revolt there and *vice versa.* If you take the capital to Dacca and give all the subjects there, there is bound to be revolt in Western Pakistan.

"Therefore, to say that centralisation and unity are one things, is the greatest mistake. At time centralisation, over-centralisation leads to disunity, as surely as at times lack of co-ordination leads to disunity.

"Compulsion is not the best method of achieving unity. We have, unfortunately, this conception that unless there is a strong government, there will be no unity. I think it is absolutely incorrect. Strong government at times may lead to bigger disruption.

"We consider religion as synonymous with language, and Islam as synonymous with Urdu, which is incorrect.

"We have an idea, that unless we get the satisfaction of exploiting a section of our people, we do not consider that we are united. It is a very wrong idea.

"Muslims anywhere of whatever nationality, however small; even they may be Baluchis; slightly even bigger than that, they may be Pathan; little bigger than even that, the Sindhis; and little bigger than that, Punjabis; do want to have a very independent existence; and Islam does not give any section of Muslims, however large in number, any right to dominate over the possessions and destinies of other Muslim areas and nationalities.

"Do not we object even in District Boards to the intrusions of people coming from outside districts? Well, District Boards are not national

units. Here Bengal is a national unit of Pakistan, and I am sure Bengalis will be very right in objecting to giving any subject that could best be governed from their own province to the Central Government.

"In Western Pakistan, it is very clear that there are greater common problems. Now communications is a common problem of Sind, Punjab and North West Frontier Provinces.

"Waterways there are not many, but there is the irrigation system, the telegraph system, the telephone system, customs, commerce, industrialization, planning, food, education—we have a common script and a common inter-provincial language—all these are common problems for the people of Western Pakistan.

"So these people must have a federal Centre in which there will be greater number of subjects than would be in a Centre which will be working together with Bengal.

"If Afghanistan, Iran, Iraq, Egypt and other Islamic countries can be called Islamic and can live as Muslim countries, without being governed from Karachi; I cannot understand why Bengal cannot live without being governed from Karachi.

"It is very clear to me, and I believe that if there is anything un-Islamic, it is creating conditions, where the accession of more States to the future bigger and greater federation or confederation of Pakistan is made impossible.

"We are creating conditions in which no other country would like to accede to us, because we would be controlling them from a Centre which is removed from them and which is an unnatural arrangement.

*"Shed hypocrisy from it, and you might find that there is a reasonable basis on which we can agree, if there is going to be a federal constitution. From the word 'A' till the last word, our leaders have been playing to the gallery.

*Sardar Shaukat Hayat Khan in the Pakistan Constituent Assembly Debate on October 13, 1953.

"Not only that, they have been trying to hood-wink the Muslim nation, that it is going to be an Islamic constitution, and this, that, and the other; and all the time they have been saying one thing, and meaning another.

"They have produced a hotch-potch of various ideals, which is not even true to the faith, which they proclaim before the world.

"If you are going to follow Islam and have an Islamic constitution, the first thing to be done is that you try to behave yourselves as Mussalmans. You try to show your faith in Islam, and prove it to the people that you are acting on the principles of Islam.

"What stops you here to practise Islam which you intend to practise in another six months' time? Is the World going to change? Is Pakistan going to take a new hue? Is Pakistan going to become overnight different from what it is today?

"Well ! these very gentlemen will come back to the new Assembly. These very gentlemen will be law-makers of the new Pakistan.

"Why do not they make a start now; why do they wait till that date when this Constitution will be enforced ? Why not start this very moment and become honest, and start practising what they say, and start being just as good Mussalmans, as they should be according to the principles of Islam ?

"The essence of good federation, where mutual trust and mutual understanding is going to be the basis, is that there should be no such thing in your Constitution which may give one unit, or another, the idea that their rights are being trampled."

*"I must say the Bill turns the legislature into a religious fair, with Muslims, Christians, Budhists, and members of two newly-created religions. Their names are 'General' and 'Scheduled'......

"I would remind the party in power that they are not walking the way that would make the Hindu forget that he is Hindu in politics, and the Muslim a Muslim.

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*Mr. Bhupendra Kumar Dutta in the Pakistan Constituent Assembly Debate on April 15, 1952.

"They are walking just the opposite way, thereby a sacred trust reposed in them is being betrayed."

*"......After the question of parity arose......even those who were not advocates of joint electorate, rather were opponents of joint electorate, even they became advocates of joint electorate.

"Papers like Azad, which has a heavy circulation amongst masses in Eastern Bengal, and which had before advocated separate electorates, advocated joint electorate now, after this."

Interest of Minorities

The supporters of joint electorate in general, and the minorities in particular, protested vehemently against the suggestion that the minorities do not know their own real interest in demanding common franchise.

They alleged that the real interest of the minorities consists in participating in the political life of the country on a basis of absolute equality, and not in returning a fixed number of parliamentary representatives, who will never be assimilated in the communal parliamentary majority.

They complained that the supporters of separate electorates in fact did not wish the progressive political elements of all communities to co-operate for eliminating reactionary vested interests, including the monopoly of leadership.

That is why they raise a myth of the interests of minorities "to keep their honest followers on a wrong track", while themselves indulging in a life of undeserved plenty.

†"The non-Muslims want to merge with us. This is how they want their culture to develop. We need have no qualms of conscience on this point.

"I would advise the Muslim League, and now the Republican Party also, to give up this White Man's Burden attitude, of trying to do for other people what we think is best for them.

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*Mr. Dhirendra Nath Dutta in the Pakistan Consttutent Assembly Debate on October 8, 1953.

†Syed Amir Hussian Shah, West Pakistan Assembly on August 2, 1956

"Let us now for the sake of argument concede that Pakistan owes its existence more to the bigotry and intolerance of men like Patel and Shyama Parsad Mukerji than to the positive acts of the Muslim people and the Quaid-i-Azam, even then I would maintain that we should have joint electorate."

*"We the members of this Constituent Assembly, have been elected not by any common or joint electorate, but by separate electorates—the Muslim members, by the general electorate.

"So, in matters affecting solely any particular community, the members of the other community, who are here by virtue of their being elected by the votes of their own community only, should refrain from taking any decisive role in matters not affecting any way their own community.

"We should not have it both ways.

"Joint electorate entitles one elected by that electorate, to have a say in the affairs of all the communities forming the said joint electorate.

"Separate electorates give no such right to have any say in other communities' affairs.

"Members elected by one community only, should allow the members of the other community to have self-determination in matters affecting their own affairs.

"You are aware, that we all the Hindu members of this House are in favour of, and want joint electorate not only amongst our own society but also with the vast Muslim and other communities.

"We may be asked why being in such minority we want so, thereby doing away with the so-called safeguards of the minorities.

"The best safeguards for the interests of the minority is joint electorate, since it results in mutual dependence of the communities.

"Moreover, we want joint electorate, because it creates a national outlook, in place of communal outlook in politics ?

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*Mr. Janendra Chandra Majumdar, Pakistan Constituent Assembly Debate April 16, 1952.

*"We the Hindus, do feel it to be beneath our dignity and honour and self-respect to live under any sort of artificial safeguards.

"We want Equality, and nothing else, and no patronising lip-deep benevolence.

"We want Pakistan to be a homogeneous nation, where every community will have to depend on every other community economically, socially and politically.

"If there is joint electorate during the general elections, people of whatever community they may belong to, shall have to go to the people of the other communities for their votes and support, and thus there will be intermixing with and mutual interdependence on each other.

"This repeated process of mutual intermixing and interdependence will do away with political difference, and ultimately 'Muslims will cease to be Muslims politically and Hindus will cease to be Hindus politically, and in course of time there will be a homogeneous nation'.

"Keeping this high ideal before our mind,we want to do away with the so-called safeguards for the minorities, even though we may be losers for the time being."

†"If the Political Party is based on religion, and eighty per cent of the population are Muslims, can you conceive that Hindus belonging to the minority community will ever have a share in the administration of the country ?

"But you can solve it, by creating a common electorate. We do not like to be returned to the House."

‡"It is impossible to think that we, who are trained in politics, we who have fought for the freedom of India and Pakistan, do not understand our own interests.

"We do understand our own interests.

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*Mr. Majumdar, Constituent Assembly, October 23, 1953.
†Mr. Dhirendra Nath Dutta Constituent Assembly, April 19, 1952.
‡Mr. Dhirendra Nath Dutta, Constituent Assembly, October 8, '953.

"In spite of the fact that we are fully aware of the position that in the next two or three elections it may be that nobody can be returned to the House of the people, or to the House of the units, it matters little to us whether any Hindu is not returned, but we want that whoever be returned, he must be returned on the common votes of all of us, and elected Ministers must become responsible not only to the Muslims, but both to the Muslims and the Hindus.

"All the members of the East Bengal Legislative Assembly—whether belonging to the Caste Hindus or to the Scheduled Castes—submitted a memorandum to the late lamented Quaid-i-Millat, Mr. Liaquat Ali Khan, demanding Joint Electorate, and only there was a demand for reservation of seats so far as the Scheduled Castes are concerned.

"This question arose again, when a Bill for amending the Government of India Act 1935 came up for consideration in this House.

"Mr. President you remember that I then gave a history of our demand for joint electorate, both for the Caste Hindus and the Scheduled Castes".

*"It is a bombshell that blows the minorities into fragments...... It threatens solidarity of the State, and......it reduces the citizens of East Pakistan into half-men......"

†"Is it for the minority to create confidence among the majority, or for the majority to create confidence among the minority; for those who have the monopoly of power, or those who are totally deprived of it ?

"......A prominent Member of the West Bengal Muslims recently elected to the Indian Parliament, told me that the Indian Constitution has been passed: 'We have got the two things we wanted: a secular State, and joint electorate; and whatever sense of insecurity we have at present, will pass off after the first election'......"

‡"For God's sake do not ruin the minorities, I tell you.

*Mr. Prem Hari Barma, Constituent Assembly, April 10, 1952.
†Mr. Bhupendra Kumar Dutta, Constituent Assembly, April 15, 1952.
‡Mr. Birat Chandra Mandal, Constituent Assembly, April 17, 1952.

"If there is going to be joint electorate, the interests of the minorities will not be jeopardised.

"Britishers created two divisions for their policy of divide and rule. But there are no Britishers here now—we are all Pakistanis.

"Who will rule over us? We will rule ourselves. We will take our own man. So, the question of divide and rule does not arise.

"The only question is this that there should be unity in Pakistan, so that all the communities may work together under the common rule of the legislature, and the common roll of election."

*"You have got no legs to stand on, when you are asking those who are on par with you, and are perhaps more advanced than you in political life, to give them 'protection', which they do not require.

"You have no right, nor we have right, to come and enforce a...... political system on our Hindus, our minorities, which is against the will of the Hindus sitting here.

"Let them decide between themselves, what the differences are, and what they are going to do; but we have no right, the majority has no right, to go and interfere in how the life and the politics of Chattopadhyaya is going to be governed.

"Have you forgotten what your Prophet did to the Jews and the Christians? Do not you remember how he kept those promises and how he made every-one act upon it.

"Another hypocrisy, another great shame upon the so-called Muslims, who are sitting there after the treaty with the minority community.

"They say we are protecting the rights of the Hindus by giving them separate electorates, but why Hindus? Their representatives are sitting here and they are as much representatives of Hindus as you are of the Muslims. They are the representatives of the Hindus, and they are asking for the joint electorate.

*Sardar Shaukat Hayat Khan, Constituent Assembly, on April 17, 1952.

"Who are you there, I ask you, to say that there should be joint electorate, and to say look Chattopadhyaya: You do not understand the interests of the Hindu community; you do not understand the Hindu people at all; we know better than you; we are the great fighters for justice here, and we are best spokesmen of Hindus.

"If you are the spokesmen of Hindus, then give up the spokesmanship of Muslims. If you are the spokesmen of Muslims, then leave the Hindu community to itself.

"You have got one crore of people on trust with you—you have got these people on trust according to a treaty—you have left four crores of your own people in the hands of these people on the other side of the border. And, then if you let these people down, you are letting down those Muslims."

*"......You are dividing the nation permanently into Patricians and Plebians.

"One learned friend from the Ministerial Benches said in reply that Patricians and Plebians belong to Roman history, and were unknown to them.

"It is no use giving metaphysical interpretations. What is being done here? By getting separate electoral rolls for us, the minorities, are you not relegating us to the position of eternal slaves, perpetual hangers-on, obnoxious beggars, running after this member or that of the majority community, for a crumb of his favour, for a morsel of a gracious gift?

"......You have no right to impose it on us, who even though a minority in Pakistan, do not want it.

"The rights of might and of a brute majority, of course you have. But what I mean is moral right—if that counts for anything in a State, sought to be associated with a great religion."

*Mr. Bhupendra Kumar Dutta, Constituent Assembly, April 15, 1952.

*"Separate electorate will dwarf our intellect, our mental capacity altogether, if it continues for a long time. The minorities in East Bengal will be converted into a set of people of imbeciles.

"Body is not the only factor to be considered in the world. Mind is a more important factor. If a minority would think: I am here as an untouchable in a separate camp altogether, this will generate a feeling of inferiority complex in him, and it will gradually lead to the dwarfing of his mental capacity and his intellectual capacity.

"History is not rare in instances where a small group of people without any extermination have entirely disappeared. They have vanished from the face of the world.

"I can only say that it will be a problem for the minority to consider in East Bengal—a very serious problem—whether really they can live as men in East Pakistan, whether their future generations will be only generations of dwarfs and imbeciles in mental and physical capacity, with out any prospect of making any contribution towards the cause of Humanity, because we would have no locus standi to make any contribution at all."

The leader of the Scheduled Castes in India, Dr. Ambedkar, in his book entitled 'States and Minorities, what are their rights and how to secure them in the Constitution of Free India" has observed that :—

"The correct attitude towards the whole question rests on the following axioma :

'(1) The system of electorate being a device for the protection of the minority, the issue whether the electoral system should be joint electorate, or separate electorates, must be left to the wishes of the minority'.

'If it is large enough to influence the majority, it will choose joint electorate'.

'If it is too small for the purpose, it will prefer separate electorates for fear of being submerged'.

*Mr. Kamini Kumar Dutta speaking in the Constituent Assembly, on October 10 1953.

'(2) The majority, being in a position to rule, can have no voice in the determination of the system of electorates.

'If the minority wants joint electorate, the majority must submit itself to Joint Electorate'.

'If the minority decides to have separate electorates for itself, the majority cannot refuse to grant them'.

'In other words, the majority must look to the decision of the minority and abide by it'.

Tilting the Balance

The Jamaat-i-Islami has been declaring that joint electorate will reduce the Muslim majority in East Pakistan into a parliamentary minority. It starts the argument with untrustworthy statistics about the numbers, and proportions, of populations. Then, it bunches together all the non-Muslims including the Scheduled Castes, Budhists and Christians, etc., into one category. Then heavy proportions of Muslim Women's vote are subtraced from the effective electorate. In these calculations the Jamaat-i-Islami, from its pet communal point of view, incidentally, completely ignores the political danger of creating a solid bloc of 72 non-Muslims in the Provincial House, and 11 non-Muslims in the Parliament. I have collected the correct figures showing the community-wise population of different constituencies in East Pakistan, delimited on the basis of joint electorate. These I reproduce as Schedule I in Appendix II at the end of the book.

These figures conclusively prove that there are very few constituencies where the *Caste Hindus* will be left in numerical majority, after the introduction of the Joint Electorate.

Whether or not, and in what proportion, Jamaat-i-Islami's ideas will permit Muslim Women to freely participate in the political and public life, is an issue which though vital in itself, has no bearing whatsoever on the constitutional right to vote in uniform combination.

Territorial constituencies are a method of distributing the franchise in democratic countries. Communal Constituencies are also practised in

some countries like Dr. Malan's South Africa. However, to distribute the constituencies with a view to balance the unwillingness of a certain section of the population to participate in the Elections, is an unheard of formula, which cannot be justified on the basis of any rational approach.

If the franchise of the Minorities has to be reduced, or circumscribed, by such transparent subterfuges, a far more honest, practical and honourable course of action will be to straightaway say good-bye to democracy, and defranchise the non-Muslims openly.

The proposal for joint electorate is founded on the presumption that the Islamic Ideology is more progressive and powerful, than its rival non-Islamic ideologies. Whenever even the non-Muslims get a free choice between the concrete Islamic programme, and sundry non-Islamic manifestoes, humanity will always vote for Islam.

On the other hand, the Jamaat-i-Islami's basic presumption appears to be that if the Islamic Ideology has to compete freely on a basis of equality with non-Islamic ideologies, then it will be the non-Islamic camp that shall win the popular vote. This lack of confidence in the merits and appeal of Islam, is deplorable in a political party which claims to be founded on Islam.

The only other explanation can be that the lack of confidence pertains to the Jamaat-i-Islami's own capacity to present the Islamic teachings in an attractive and convincing aspect to the general public. This is a revealing but off-the-point confession.

If the Mussalmans are such a disintegrated people that even in their own Homeland, where they are in an overwhelming majority, it is the non-Islamic Ideology that is going to sway them. Therefore, they cannot hold their own in common constituencies, where the Caste Hindus will be a fraction; because under adult franchise Muslim Women will not take the trouble to vote, and in mixed constituencies their own kith and kin will prefer Hindu representatives to Muslims; they cannot win over the confidence of even those sections of the populace, who like the Scheduled Castes, have no partiality for Caste Hindus; then the plain question arises who can save the Muslims from themselves?

The fact is that it is only the guilty conscience of the Muslim League and the Jamaat-i-Islami, which makes them think in such terms of a sad

defeatism and an inferiority complex.

No doubt the Hindu intelligentsia and financial interests will try their best to advocate their outlook on life, but that is their legitimate privilege, in a democratic game of competitive existence. If Islam as a message is to prevail ultimately, it will prevail (as is our unshakeable faith) by its inherent merits, and not by giving it false advantages, in the race for the Conscience of Humanity.

True that the Muslim social structure, at present, suffers from certain weaknesses, which it is our sacred duty to fight, but the best way to do that is to reform ourselves and our public life, rather than break the democratic implications of a democratic "compact for co-existence". Besides, separate electorate is no cure, or even help, for removing these weaknesses.

Shri Kamini Kumar Dutta, speaking in the Constituent Assembly on April 16, 1952, said:—

> "It appears that the Muslim seats including the seats for the women would amount to 237. And the others—Non-Muslims including women—will amount to 72. The total number of seats would be 309. If now, any combination of parties can manage to get a majority in this sort of constitution, what will then happen?
>
> "If it is thought by the sponsore of this amendment that it is the Muslim League which will capture all the 237 seats, *i.e.*, an absolute majority would be captured by the Muslims following the dictates of Muslim League in the State, then I will say without fear of being challenged that this State would be drifting to the goal of a totalitarian system of administration, which is a negation of democracy.
>
> "It is well known that a totalitarian system is a menace to democracy itself. There can be no democratic growth where one-party rule is perpetuated by the State itself.
>
> "But if on the other hand, and I think that is the most probable thing, the Muslims, all the Muslims in East Bengal cannot be supposed to follow the dictates of one party as there is an awakening now. So if a Democratic State is to be built up, and if a Democratic

System of Administration is to be introduced in the country, they must have parties on Economic basis which would be fostering the growth of the people of the country and considering that, which is a reasonable probability, if, there is a division in the Muslim ranks, and if these 72 members whom I may well style as fortune-hunters, because they have no allegiance to any ideology, they are placed in separate compartments—Caste Hindus, Scheduled Castes, Christians, Budhists—they have no common ideology at all, if these fortune-hunters who are 72 in number should be well combined with a dissident party amongst the Muslims, what would happen then?

"Personally speaking, I would not like it, because it would be an unstable administration, because these "fortune-hunters" will seek one opportunity today, and another the other day, and they would be persons who would be like commodities which can be purchased. So I would really warn my friends, do not dream that this shall be a good thing.

"You are creating a party of 72 "fortune-hunters" who do not hold allegiance to any Ideal at all, who have no Ideal placed before them at all.

"Persons placed in separate compartments, simply on ground of Religion and nothing else but Religion, is not the criterion of politics in the modern world.

"So the result would be, either a totalitarian State which is a menace to Democracy in the world, or an unstable administration."

Sardar Shaukat Hayat Khan speaking in the Constituent Assembly on April 17, 1952, said:—

"The Caste Hindus want.............joint electorates, and show you that they are not going to create a Nationality on religious basis within our country.

"I do not see why we are opposing them from coming into joint electorate.

"I am sure it will be a great insult to the Majority community in free Pakistan to feel that if they and the twenty-five per cent population of the Caste Hindus are politically together in a joint electorate, the Caste Hindus are going to swallow them."

The figures pertaining to the membership of various District Boards, Local Boards and Municipalities, reproduced at the end of the book, as Schedules II to IV in the Appendix II, also show that even in areas where the Hindus are in majority, the Muslims have been returned to the Boards.

Hindu choice not in Muslim Interest

Both the Muslims as well as non-Muslims took strong objection to the thesis that the non-Muslims should have no choice as a matter of principle on the issue of electorate.

*"What would have happened to the preaching of these people (Jamaat-e-Islami) about separate electorates? Would they have gathered courage in a united India to say, Muslims are a separate nation and, therefore, entitled to separate representation in the Assemblies, or in the local bodies?

"People who were opposed to the Movement for the establishment of Pakistan have appeared on the scene to advocate separate electorates.

"They are making a virtue of necessity. Perhaps they think in their sub-conscious mind that when general elections are held, they will be able to rouse Muslim masses in the name of religion.

"The demand for the establishment of Pakistan is based upon the Muslim majority contiguous areas. You did not demand Pakistan for the Muslims of Bihar, Assam or Orissa, although they might have been in majority in some Districts. You demanded the right of secession for the people of the Muslim contiguous majority areas.

"You never contemplated the elimination of non-Muslims from your national life, or from the other walks of your life. And if there had been no exodus of Hindus from this side of the border, we would

*Mian Muhammad Shafi in the West Pakistan Assembly Debate on August 2, 1956.

have been in a situation in which Quaid-i-Azam's words would have been quoted time and again, I will quote them here for your benefit.

> "Quaid-i-Azam said, 'after the establishment of Pakistan.' 'You are free, you are free to go to your temples, you are free to go to your mosques, or to any other place of worship, in the State of Pakistan. You may belong to any religion, or caste, or creed—that has nothing to do with the business of the State. That has nothing to do with the fundamental principle: that all citizens are equal citizens of one State'."

*"No other religion of the world, in fact no political or social system recognises the principle of the freedom of thought, opinion and deed, more emphatically than Islam.

"The Quran definitely lays down in 2 : 256 'no compulsion in Faith.'

"I would ask my non-Muslim brethren to read the Prophet's Charter to the Christians of Najran (Spirit of Islam, p. 273) or his agreement with the Jews of Medina (Spirit of Islam, pp. 58-59) or Umar's Firman for the people of Elilia (Al-Farooq); and they will know that in the days of our glory and success, we preached and practised principles, which the great powers of today would do well to follow.

"If they shake off their prejudices and then read our history in a purely objective spirit—they will find that in our wars, we were never aggressive—in our administration never intolerant, and in justice never partial.

"Take the case of this Sub-continent. Leaving aside the cases of individual despots, who sometimes acted irresponsibly, you can never quote instances of the State-policy being intolerent, or State-interference in matters of religion.

"During the long span of a thousand years, no one can point out a single case of forcible conversion by the Government. Shahu, the grand

*Mr. Fazlur Rahman in the Pakistan Constituent Assembly Debate on October 21, 1953.

son of the Marhatta Raja Shivaji, came to the court of the much-maligned Aurangzeb as a child and left it as a grown-up man after 20 years, but never was an attempt made to change his faith.

"In political and social life, we gave to all the countries where we ruled—the caste-ridden India included—a concept of social justice which has never been equalled.

"Need I remind the non-Muslim members of the House that the Prime Minister of Muhammad bin Qasim was a Brahmin, that one of the highest commanders of Sultan Mahmud of Ghazni was a Hindu named Tilak, that the ommander of the Mughal forces who defeated Shivaji and sent him to the court of Aurangzeb was a Rajput chief—Jai Singh.

"These are only a few cases casually picked up from amongst the thousands of Hindu courtiers, noblemen, and high State-officials in the machinery of our Government."

*"Islam has been misunderstood. To some extent we Muslims are responsible for it. Firstly, because there were many amongst us and there are many amongst us today, who do not practise what Islam stands for. And, therefore, if some non-Muslims regard as Islamic what is really not Islamic, I do not blame them.

"There are so many things which are un-Islamic, and which Muslims have done in the past and are still doing in the present. Let us hope they would not do them in the future.

"So, this misunderstanding is there, and that is genuine misunderstanding.

"Another reason for misunderstanding is, that purposely Islam has been misinterpreted by many who had their own axe to grind and who did not see any virtue in Islam.

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*Dr. Mahmud Hussain in the Pakistan Constituent Assembly Debate on October 13,1953.

"It has been misrepresented by many Europeans; it has been misrepresented in this Sub-continent, and the result is that many people really think that Islam and progress are contradictory terms.

"In actual practice, the opposite is the case.

"We Muslims can guarantee our progress only by following strictly the principles of Islam and by applying those principles not only in our individual lives but in our collective lives, in our society and in our State.

"There should be no fear in the minds of the minorities—should an Islamic State come into existence—they should indeed welcome it.

"I am glad—I think I read it today or yesterday—some Hindus have begun to recognise this. They have come forward with the idea that their best guarantee lies in the fact that Pakistan should be declared an Islamic State.

"However , these may not be many. There may be many more Hindus who think otherwise. I do not question that assumption.

"They may think that an Islamic State may be injurious to them. I would only urge that if they would compare the principles of Islam, as enunciated in the Holy Quran and by the holy Prophet, and put into practice by the holy Prophet and his immediate Khalifas, then they would favour the idea of the establishment of an Islamic State.

"It is very clearly laid down in Islam that just as Muslims have their rights in an Islamic State, so have the non-Muslims; and these rights are based upon clear injunctions; upon sacred religious principles. In an Islamic State, there is no option in the matter."

*"......There are some people here who are out to disrupt and destroy Pakistan, and these so-called Ulema who have come to you, they have come with that particular mission of creating doubts in your mind regarding the *bona fides* of the Mussalmans of Pakistan.

*The late Quaid-e-Millat Liaqat Ali Khan in a speech in the Pakistan Consembly as quoted by Mr. Janendra Chandra Majumdar in the Pakistan Constituent Assembly Debate on October 23, 1953.

"I want to say and give a warning to this element which is out to disrupt Pakistan, that we shall not brook it any longer. They have misrepresented the whole ideology of Islam to you. They are in fact enemies of Islam, while posing as friends and supporters of Islam.......

"According to these people, the Muslims will not offer their *Juma* prayers, if there was a non-Muslim as the Head of the State.

"Well, till yesterday—when I say yesterday, I am only talking figuratively—we had non-Muslim rulers here. Were not the Muslims offering prayers? Were they not offering *Juma* prayers? Can you say, they have never offered *Juma* Prayers in this country? How can, then, anybody come to you, and how easily you get taken in by a statement of this kind?

"Supposing there are some maniacs in this country or amongst the Mussalmans; are you going to be guided by what they say, or are you going to be guided by a vast majority of Mussalmans believe in?

"If my friend wants that we should succeed in persuading every Mussalmans in Pakistan to think in the same way, on every matter; well that is a task which is not possible, for any organization, or leader, or any people to do.

"My Honourable friend said that you have talked of equality, and again he has been misled by these so-called Ulema, because according to these people there can be no equality.

"I am really surprised that a man of his ripe experience should really be taken in so easily, and should put all his belief in what these two people have told him.

"These people told him that in an Islamic State—that means a State, which is established in accordance with this Resolution—no non-Muslim can be the Head of the administration. *This is absolutely wrong. A non-Muslim can be the Head of administration under a constitutional government, with limited authority, that is given under the Constitution to a person, or an institution in that particular State.*"

*"The violation of the constitution of a country means treachery, and the punishment for this is death.

*Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on October 19, 1953.

"We are going to frame such a constitution; we are going to lay down the fundamental principles of such a constitution. It is very unfortunate that even on such a solemn occasion we cannot have a wider outlook, develop a wider vision, nor can we have the catholicity of view to try to understand and appreciate the view-points expressed by different sections of people from different angles, and by different parties, only because they are not within the fold of the Muslim League Party.

"Muslim League leaders have now come to a certain understanding on certain controversial issues. But that is not the whole thing we wanted. They should realise that we are not asked to develop a code of morality, or a code of conduct for the Muslim League alone, but we are going to make a constitution for the whole country.

"So, we must know that what we decide by these Basic Principles, is going to affect the whole country, which is inhabited by millions of people, with different view-points, and varying outlook. So we must keep before our mind's eye the entire population of Pakistan. We must know the problems and the needs of the entire nation.

"Regarding the problem of electorate, the position is that the Muslim League is in an awfully awkward position before the world, because 83 or 85 per cent of the people are Muslims, and still it is they, who ask for 'protection.' It is they who ask for separate electorates.

"So nervous they are, that they are not satisfied even with that. They further propose, that the 15 per cent of the non-Muslims must be divided amongst themselves by means of further separate electorates between Castes, Schedules, and Budhists.

"Even in East Bengal, where the Hindus, or rather non-Muslims form about 24 per cent, the Muslims are more than 75 per cent—a huge majority—still why this nervousness? Because the Muslims League is dead as dodo, and they have no confidence in themselves.

"They feel that even these 15 per cent, if kept together in one electorate might defeat them. Quaid-i-Azam's Muslim League is now dead. Now everybody is for himself. Everybody is crying for more power for himself.

"It is an ill-luck for Pakistan today that such a Muslim League, having a majority in this House , is going to dictate a constitution for the whole of Pakistan.

"I believe that people of Pakistan have more vigorous outlook than is represented by the Muslim League of the present day. I challenge Mr. Nurul Amin to try to understand the real feeling of the people, the real pulse of the people and then to act according to it.

"I understand that in the present state of their organization, the Muslim League cannot take joint clectorate, because they will have to face electons in the name of the communal cry. They will put forward their usual stunts of non-Leaguers bringing money from the other side of the border through the help of non-Muslims.

"Mr. Nurul Amin has made it very clear when he said that, because they, i.e., the Muslim League had achieved Pakistan, it was their right and responsibility alone, to build the constitution.

"From this view-point, I differ, very much.

"He tried to explain that Pakistan meant not only independence for the nation, but something more, that is also the possibility of developing Islamic ideology, giving the Muslims all possible opportunities to develop their life, and ideology, and outlook.

"Well, there may be people who may not entirely agree with this viewpoint. This independence has been achieved by the entire people, and not by one party alone, and there are many leading Mussalmans in Pakistan who were not in fold of Muslim League; but they were the stalwarts of the Independence Movement of the country. We cannot overlook and set aside the opinion, that they have expressed on the Basic Principles' Committee Report.

"We cannot be satisfied with only that what Muslim League thinks, and what Muslim League alone decides today.

"Muslim League, as it is today, differs absolutely from the Muslim League that fought for the independence and for Pakistan under the leadership of the Quaid-i-Azam. That Muslim League was an organization which was regarded as the one saviour of the community, and

whatever that League decided, was accepted by the entire community without protest; but that Muslim League is dead as dodo today.

"What is now left is the shadow of a Muslim League, and which has members having bitterest differences and distrust among themselves. Group politics, conflict of personal interests, and other differences among the members of the Muslim League are most acute today.

"At one time it was really felt that the Basic Principle's Committee Report which was the result of so much labour and so much expense in terms of time and money might be thrown overboard because of bitter differences of opinion among the Muslim League leaders and Muslim League stalwarts.

"Mr. Liaquat Ali Khan, in reply to Mr. Chattopadhyaya who pointed out that in an Islamic State no non-Muslim can be the Head of the ad-inistration, said:—

> 'This is absolutely wrong. A non-Muslim can be the Head of the administration under a constitutional Government with limited authority that is given under the constitution of the State.'

"They quote Quaid-i-Millat, or Quaid-i-Azam, or Islamic principles, only when it suits them best, and just where it does not suit them they ignore, simply skip over it.

"This is what the Muslim League is doing. The Muslim League politics reminds me of Marwaris and their accounts system. They keep three sets of accounts books. Similarly, the Memons here do the same. They keep one account book showing only a very narrow margin of profit to defraud their partners. And a second account book to show a constant loss to defraud the income-tax people, and a third one to show the real margin of gains for himself.

"Muslim Leaguers in their practical politics are doing the same. They make the present day world know that they are a perfectly democratic State. That they do not lag behind anybody in their progressive ideas. These attitudes they take for the foreigners.

"But, secondly, when they appear before the public, they become too much Islamic, to carry the mass support with them. They thus try to defraud their own friends, their own partners, their own co-religionists.

"Again when they talk among themselves within the Muslim League, or within the sub-circle of the Muslim League, because every leader within the League has his own sub-circle, they speak their real mind.

"The Muslim League politics is thus full of pretensions."

*"Democracy really means the expression of the will of the whole people; and not, I may be excused for repeating it, only the manifest will of the ruling power of a particular class, however numerous it may be.

"We have no power and right even to elect a single Honourable Minister. So, I think really the Minorities have a right to demand their place in the general roll of the country, and not to be thrown into a separate roll.

"Now if there is any apprehension in the minds of any one, that the big Minority of East Bengal will remain in the communal camp—I think those who dream of it should be told that that communal barrier will be crossed by the Minorities.

"It cannot be kept any more. The world will not allow it.

"So, I say very emphatically that we have every right to claim it, and claim it, not as a favour but as a fundamental right.

"I am here giving you a warning: your theologians must not be given opportunity of enunciating anything and everything, which they think has come within the scope of Islamic ideology.

"I may tell one thing, that a Doctrine which is all over accepted, is more deadly than mere actions. They are very bad, and do not allow bad doctrines to be preached.

"Do not allow your theologians to spread anything under the mask of Islamic ideology, and for that, can I make one suggestion ?

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*Mr. Kamini Kumar Dutta in the Pakistan Constituent Assembly Debate on October 10, 1953.

"Would some of you, I mean those in authority, take courage in their hands, to enunciate that these are the cardinal principles of Islamic ideology, so far as can be made applicable to the rules of the State; because as to Islamic ideology, there are some according to which a Muslim has to build his own life, and that many not be applicable to the minorities.

"But would it not be or should it not be announced to remove all misapprehensions, what are the cardinal principles of the Islamic ideology which would be applicable to the rules of the State, not in reference to your guiding your own mode of life, because their application would be much wider."

*"Only a few months ago, the Fundamental Rights were passed.

"I will try to read a passage from that, and shall show you how we are not even living up to those Fundamental Rights, which these very great Islamic leaders of our country passed, and which were brought forward by these very gentlemen, who are today bringing forward the Basic Principles' Committee Report.

"It is said in one section that every duly qualified citizen shall be eligible to appointment in the Service of the state; irrespective of religion, race, caste, sex, descent, or place of birth.

"These very gentlemen passed those Fundamental Rights, in this very august House, and today they bring forward the Basic Principles' Committee Report, just to play to the gallery."

†"I consider this State as my State.

"I do not say that it is a Muslim State only, I say, it is my State—a joint State of all communities of Pakistan; irrespective of caste, creed or religion.

"I want this State to be strong.

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*Sardar Shaukat Hayat in the Pakistan Constituent Assembly Debate on October 13, 1953.

†Mr. Sris Chandra Chattopadhyaya in the Pakistan Constituent Assembly Debate on April 18, 1952.

"Now you will do it at your sweet will, because we are only ten men here, and you are 65 in number. This is the proportion in the House. Therefore, you can change any of our social system. You can change our religion even, if you like."

*"We will be able to elect 72 members out of 309, which means that 237 members, who will form the administration of the country, will not be responsible to the Hindus.

"I am prepared to be ruled by Muslims, if as a matter of fact I have got the right of electing them to the Assembly, so that they will be my chosen representatives. They will feel in their heart of hearts that they are not only the representatives of the Mussalmans, but that they are the representatives of all the peoples living in the province of Bengal, and therefore, they will be responsible to us, and we shall feel, that we have got a share in the administration of the country.

"If we have got no share in the administration of the country, it will be denying not only our political rights. It will be denying the Human Rights of the people.

"The Human Rights Organization of the United Nations has said that everyone living in the country shall share in the administration of the country.

"........ If we Pakistanis want to have respect in the comity of nations, joint electorate should be declared.

"We cannot have that, when it was declared to the world that 20 per cent of the people wanted to be included in common electorate, but were denied by the 80 per cent of the population......"

†"I will most emphatically point out here, that the Muslim members who were returned on purely Muslim votes, have nothing to poke their nose in this matter, and they cannot claim to interfere, by making a decision on a matter that relates to the set-up of the Hindu community and Hindu social order.

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*Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 15, 1952.

†Mr. Bhabesh Chandra Nandy in the Pakistan Constituent Assembly Debate on April 16, 1952.

"If they really make any pretext to set aside the Poona Pact and disintegrate the Hindu community, it will be a fit case for the highest Courts of Pakistan, if not also for the International Court, to take up the case on behalf of the minorities."

The Honourable Mr. A. K. Brohi speaking in the Constituent Assembly on 23 October 1953, said:—

"Separate electorate is to be conceded to the minority in order to enable the minority to return their best representative.

"But since it is a guarantee for the minority against the majority, it is for the minority to see whether they want it or not. That is important.

"A majority community has no right to demand separate electorates. The reason is simple. A right by a majority community to demand separate electorates is tantamount to a right to establish the community without the consent of the minority.

"This is contrary to the well-established doctrine of democracy, that government must be with the consent of the governed.

"No such evil consequence follows from the opposite principle, namely that a minority community is entitled to determine the nature of the electorate suited to its interests, because there is no possibility of the minority being placed in a position to govern the majority."

"No one has said that even if we are satisfied that all the minorities want joint electorates, we would not give it to them. That has never been said."

*"I know you are not safeguarding the interests of the minorities. You safeguard your own interest, the communalist interest.

"I say the present ruling party will not be returned, if joint electorate be granted.

*Mr. Dhirendra Nath Dutta in the Pakistan Constituent Assembly Debate on April 19, 1953.

"So you do not want to run the risk of losing your seats.

"You do not care for the solidarity of the State.

"You care for yourself, and you are not safeguarding the interests of the Hindus, the Caste Hindus, or the Scheduled Castes, but you propose to safeguard your seats.

"You say that there should not be a common electorate. Why? I know what are your reasons. Your reasons are palpable to me. But your reasons will be made palpable to others also."

Justice to Minorities

We have already noted the argument in favour of separate electorates, that under a system of joint electorate there is the danger that the minorities will lose all genuine parliamentary representation. The communal Muslim majority will wholly submerge them, by sheer force of numbers.

This argument has been met from more than one angle by the other party. To start with, it is pointed out that the question of parliamaentary representation only ariss, if a section of the population is admitted into the national fold. Certainly it is more vital that a minority should get admittance into the nation, and be not treated as an inferior, or alien element, than the subsidiary issue what actual representation it can secure by virtue of such assimilation within the nation.

Secondly, it was urged that Caste Hindus are already a sub-minority within the Hindu minority in Pakistan. Therefore, caste system can no longer keep down the Scheduled Castes. Now it is in the interest of the Caste Hindus themselves to win the goodwill of the Scheduled Castes. If any high Caste Hindus lag behind in realising this, the best method is to introduce joint electorate; so that Scheduled Castes plus the Muslim vote should wholly eliminate the reactionary Hindu element from the country's public life.

Thirdly, the Hindu scriptures quoted against the Scheduled Castes are no longer interpreted by the Hindu majority in the orthodox sense.

Fourthly, caste system in its origin was not hereditary but just a division of economic functions. Certainly it deteriorated during the days

of degeneration and slavery. But with the attainment of independence, it is losing its more objectionable features.

Therefore, no injustice either to the Hindu minority as a whole, or the Scheduled Castes, is involved in joint electorate.

Sardar Asadullah Jan Khan speaking in the Constituent Assembly on October 8, 1953, gave an exposition of the first argument as follows:—

> "The Father of the Nation promised the non-Muslims in Pakistan, that they will not only be treated equally, but magnanimously. But the Report treats them differently from Muslims:
>
> '*Ya aiyohal-lazina amanu offu bil oqoode*'.
>
> "We are ordered to honour the promises which we have made.

"When we put into practice the principle of liberty and equality, the result is the government by the majority.

"Now this is true and holds good within the confines of indivisible nationality. Beyond that, it is servitude".

Professor Raj Kumar Chakraverty participating in the Constituent AssemblyDebate on April 15, 1952, said if the systemof separate electorates was once accepted, all talk of equal rights and privileges among the different sections of the people would be bunkum and mockery, because it would mean a perpetual communal majority, and a perpetual communal minority, based not upon any economic or political grounds, but upon the accident of birth. The minorities would continue to be a minority. They would not be able to share the responsibilities of Government. This was the very negation of democracy. The minority as now in opposition, would be so many showboys, and when the Leader of the Opposition would go, to say, New Zealand or Australia, he would be a brilliant exhibit of a showboy, because he would lack the potentiality of ever forming a Government under the system of separate electorates.

Mr. Bhupendra Kumar Dutta speaking in the same strain on the same day in the Constituent Assembly disclosed that some Muslim friends including some Central Ministers, had advised him to accept separate electorates as "otherwise we shall be wiped out". He asked:

"But, what shall I do with a seat for myself, or even with the 72 seats for the minorities in a House of 309, if that ensures my community no political status?

If that keeps us perpetually at the mercy of the other 237, it is any day better that I should be represented even by Mr. Nurul Amin, or Maulana Akram Khan. I would not in that case be treated with the same contempt and disdain as at present", he said. The argument that Caste Hindus by demanding joint electorate wanted to deprive the Scheduled Castes of their political rights has been rebutted by more than one speaker from East Pakistan. It is stated the number of the Caste Hindus has been diminished. Many have migrated. Landlordism has been abolished, and the richer classes have not been left at all.

"It is, therefore, said* with confidence that the future leadership of the minority in East Bengal will be with the Scheduled Castes. No one can resist it. They alone will be the future political leaders so far as the non-Muslims are concerned.

Mr. Janendra Chandra Majumdar speaking in the Constituent Assembly on April 16, 1952, said:—

"This proposed thrust of separate electorates on the Scheduled Caste Hindus, by the majority community has certainly not been originated from, or actuated, by any particular love, or any special considertaion, on their part, for the Scheduled Castes.

"If that has been so, if this move for separate electorates had been due to their sincere desire of saving the Scheduled Caste people from this so-called political domination or exploitation of the Caste Hindu, then they would have certainly tried to introduce joint or common electorate with them of all Hindus, Caste or Scheduled. Because in that case, according to the population of East Bengal now, the average proportion of any common constituency will be about 70 per cent Muslims, and 15 per cent the Castes Hindus.

"So these 15 per cent Caste Hindus will be able to exert, but very little and negligible influence, in comparison with the 70 per cent Muslims together with 15 per cent Scheduled Castes.

*Mr. Kamini Kumar Dutta Constituent Assembly, April 16, 1952.

"So, the real reason for separate electorate is not due to their professed love for the Scheduled Castes.

"There must be something other than their so-called love."

The Caste system as prevalent in the Hindu society was explained by Mr. Sris Chandra Chattopadhyaya in the Constituent Assembly on April 18, 1952. He said that the caste system originated, like the trade guilds, according to what one does. "For instance, a blacksmith who makes and is engaged in iron works, is called a Lohari caste, Karma Kar is the goldsmith who prepares ornaments; Khatrias, the warriors. A Brahmin does religious works: there is the class dhobi, the washerman class, similarly there is the fisherman class, one who catches fish. These are the castes.

"It is according to Karma, occupation, according to the mode of work that one has got, he is called by that particular caste. But that is according to the trade that he does."

After saying that about 35 to 36 caste-people were enlisted by the Britishers as scheduled castes, Mr. Chattopadhyaya said:—

"They are called Hindu Castes. But I say there is no such thing as Caste Hindus; there is no such thing as casteless Hindus. In Hindu society, everybody belongs to some caste.

"Therefore, if you say 'Caste Hindu', then all Hindus are Caste Hindus. There is no casteless Hindu. They are all integral part of the Hindu society.

"I am a Brahmin, I cannot do away with the so-called untouchables. In my social ceremonys, such as marriage and all other ceremonies, in worship of gods, etc., those people are essential. Unless and until they also take part, the ceremony is incomplete.

"A dhobi has to take part in that; a fisherman will do his job and so on and so forth. Minus one caste, the ceremony is incomplete. That is our system.

"Now, we lost our Independence, and we became slaves, and many things have occurred, for which our forefathers are not responsible. We are the people who lost our Independence and we are responsible for it, and not our forefathers.

"Their system was this: Caste system in the Hindu society was a Federal Republic having Autonomous committees, equal in status, in no way subordinate to one another, in any aspect of their domestic affairs, but united by a common desire for the welfare of the Hindu society.

"Each caste was integral part of the society. You cannot dispense with their service. No ceremony will be complete without their co-operation. That is our caste system.

"Of course, there are some people who may be blamed for misuse, but not the Caste Hindu".

Necessary for Cordial Communal Relations

Contrary to the contention of the advocates of separate electorates, the supporters of joint electorate argue that cordial communal relations can only be preserved under a common franchise.

*"Mr. Allana has said that if there is joint electorate and people go to seek vote in the name of religion, there is bound to be accentuation of religious feelings.

"I do not agree with him. Do they look at present from this angle? Do they look from the angle of Shias and Sunnis?

"Why would they not fight for their economic rights? A Muslim in East Pakistan and a Hindu in East Pakistan may have identity of interest among themselves, to give a fight to the Muslim landlord or the Hindu landlord, as the case may be".

"...... †If we have joint electorate....it may lead to healthier political life, where the Hindus and Muslims are concerned......, because when the Hindus will have to go and ask for the votes of the Muslims, they will have to win over the confidence of Muslims, and when the Muslims will have to go and take the votes of the Hindus, I am sure they will have to win over the confidence of the Hindus in order to get their votes...... That will lead to greater harmony, greater understanding, and great strength of the people of Pakistan......

*Mian Mohammad Shafi in the West Pakistan Assembly Debate on August 2, 1956.

†Sardar Shaukat Hayat in the Pakistan Constituent Assembly Debate on April 17, 1952.

*"My idea is, that it is not a mere dream, but I have been actually working for the last 40 years for it, and I must work for it.

"I want that there should be happy cooperation and relationship amongst Hindus, Muslims, Christians, Budhists and all sorts of religions; people belonging to all sorts of religions must work together; really speaking, cosmopolitanism which has the potentiality of growth now, is required.

"Otherwise what will happen; Hindus are opposed to Muslims; Muslims are opposed toHindus; Christians are opposed tonon-Christians; again non-Muslims are opposed to Muslims. In this way there is enmity amongst all. So, this sort of quarrel will go on if we do not want to put a stop to it.

"By legislation we can do it in this way that there will be joint electorate by which Hindus, Muslims, Christians, Scheduled Castes and Budhists, all may come under the same category of a Common Roll, that is they may become One Nation."

Malafide Profession of Caste Hindus

(*a*) *Destruction of Pakistan*—The argument in favour of separate electorates that Caste Hindus are not honest and sincere in their demand for joint electorate has previously been noted. It was urged that the Caste Hindu organization: the Indian National Congress opposed Pakistan in United India. Now the same mentality demanded joint electorate to undermine the Two-Nation theory and the very principle of partition.

Mian Muhammad Shafi (M.L.A. from Montgomery) speaking in the West Pakistan Assembly on August 2, 1956, debunked this suspicion as follows:—

"They say that the non-Muslims have some motives, some plans.

"What are those plans? What can a microscopic minority do? They cannot do anything.

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*Mr. Birat Chandra Mandal in the Pakistan Constituent Assembly Debate on April 17, 1952.

"If there is a non-Muslim, a Hindu or a Christian, who can win the confidence of the Muslim majority electorate, well, I salute him. He must be a person who must have served his people in the constituency, without paying any attention whether they are Muslims or Hindus or Christians."

Hindu members also vigorously asserted their bonafides on various occasions:—

*"...... Whatever may be said about us, but we shall always think in terms of Pakistan, and Pakistan alone. We want Pakistan to develop and prosper......"

"...... I can tell the House that we have put our lot with Pakistan and we will remain in East Bengal for good.

"Our prosperity and our lot is cast with the prosperity of Pakistan.

"We know that we shall live in Eastern Bengal.

"We cannot go anywhere, and this is our home. We cannot go anywhere whatever it may be, and our prosperity lies in the prosperity of Pakistan."

"†They should feel for themselves, that is the real sentiment of the people.

"They should change their outlook in regard to joint electorate.

"We should have this much honesty to admit that joint electorate has the advantage of fostering more integrity and unity of feeling amongst the people of Pakistan.

"The Hindus want it, because though they may lose individually, they will gain collectively as a nation.

"That is my idea".

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*Mr. Dhirendra Nath Dutta, Constituent Assembly, October 8, 1953.
†Mr. Bhabesh Chandra Nandy, Constituent Assembly, October 19, 1953.

*"This division of India is a solemn agreement between the Congress and the Muslim League.

"Therefore as a loyal Congressman, I can never think of undoing that partition.

"Congressman, I mean no loyal Congressman, can think of undoing partition, unless these two parties, Muslim League and Congress decide otherwise.

"After the decision of partition we, the members of the All-India Congress Committee within Pakistan territory, met in Delhi and decided to stay in Pakistan, when many left. We decided because we wanted to see the decision to be successful, and Pakistan become a united, strong and prosperous Nation, and gets its proper place in the comity of nations. We are proud of calling ourselves Pakistanis.

"We have got our houses in Pakistan. All the members of my party on this side have got their permanent houses, their properties, etc., in Pakistan, in East Bengal, and they would stay there all their life—we are not Pakistani by adoption.

"You are dividing East Pakistan, East Bengal, into the abode of five nations, according to your present arrangement. You are dividing them into five nations. If you decide that way, Muslims would not join with Hindus.

†"Complaints have been heard that the minorities are not making much investment in Pakistan.

"Because we have no political status, because we have no rights, because we have no share in the administration, we have been treated by the officials and administrators in any manner they have pleased.

"And it is a patent fact that just for this reason, many among the minority, who were in a position to invest, and who wanted opportunities to invest have run away...

*Mr. Sris Chandra Chattopadhyaya, Constituent Assembly, April 18, 1952.
†Mr. Bhupendra Kumar Dutta, Constituent Assembly, April 15, 1952.

"Others, who are yet in some position to invest would think twice before doing so, unless the political status you choose to give them, induces them to do so.

"These people are in season and out of season accused of having their legs on two boats. But so far as the responsibility for it is concerned, the boot is clearly on the other leg.

"You do not want the minorities to form an integral part of the State".

*"We know that if the system of joint electorate is accepted, joint with the Muslims, joint with other sections of the country, none of us sitting on this side of the House has a chance of being returned to the legislature, but we are prepared for that contingency.

"We know that risk. We are ready to go into political oblivion. We are ready to efface ourselves, but we are sure and we are convinced that the system of joint electorate will help the building up of a strong and united country, based on peace, goodwill and contentment of all sections of the people".

(*b*) *Injustice to Scheduled Castes.*—Another corollary of the main argument of the "Malafide professions of caste Hindus" for joint electorate had been that the very conception of Hinduism as found in Hindu scriptures, is based on the oppression and the exploitation of the Scheduled Castes. They mean to continue their political domination under cover of a united territorial patriotism.

The history of the world has changed, and so far as the untouchables are concerned, it is asserted that there are no untouchables in the Hindu society in East Bengal, but there are different Castes—there are no untouchables. According to Mr. Kamini Kumar Dutta, and some other Hindu leaders, the ban of untouchability has been removed, and the Scheduled and the Caste Hindus are fusing with each other.

Mr. Dutta said in the Constituent Assembly on April 16, 1952:—

> "There is a general fusion, and it is patent that there are not only different castes among the Caste Hindus, but amongst the Scheduled

*Prof. Raj Kumar Chakraverty, Constituent Assembly, April 15, 1952.

also there are similar castes. They do not take food with each other, and these Scheduled Castes do not inter-marry with each other. That is not untouchability.

"Why do you blame only the Caste Hindus."

Other speakers have also maintained that the rigour of the caste system has decreased to a considerable extent, not only in the case of social contact, but now marriages are being held, between Caste Hindus and Scheduled Castes, and the Caste System as understood in the past is dying out.

Mr. Kamini Kumar Dutta speaking in the Constituent Assembly on April 19, 1952, said if there was joint electorate with the Muslims, the Scheduled Castes would have no apprehensions at all. A few Caste Hindus could not dominate the Schedules. Muslims would be their friends, and all questions about the domination of the Scheduled Castes would vanish in the air. In case there was joint electorate with the Muslims, the Scheduled Castes would be quite safe. He said if anybody would be in jeopardy, it would be the Caste Hindus, because they do ask for it. They believe in the good sense and love of the progressive Muslims of East Bengal......Only you are afraid of the people, and you are speaking of Caste Hindus.

Mr. Dhirendra Nath Dutta speaking in the Constituent Assembly on April 19, 1952, said the Scheduled Castes of East Bengal were not fools. They were in a majority in East Bengal. Hence they had a good chance of sending a larger number of representatives, if joint electorate was given to them.

Mr. Sris Chandra Chattopadhyaya, in the Pakistan Constituent Assembly, on April 18, 1952, maintained that in joint voting for the East Pakistan Assembly, Scheduled Caste people would get 48 seats. Whereas under the fresh system of separate electorates, 30 seats have been given to the Caste Hindus, and thirty-six to the Schedulded Caste.

Mr. Bhabesh Chandra Nandy speaking in the Constituent Assembly on April 16, 1952, said:—

"The pretensions of sympathy for the Depressed Classes have proved otherwise for them, because they are being put in a tight corner, and definitely being deprived of the advantage they could expect to reap from the number of the Caste Hindus.

"In the next elections they could secure at least 70% of the total seats of 31 and 38 combined. But the Scheduled Castes have been deprived of that advantage today.

"They are now fixed up at only 38. The Scheduled class are no fools, as the majority community still believes...... They understand the point full well, and they realise the injury that is being done to them.

"It is high time that the friends of the majority community shall give up all these pretensions of fraternization".

The argument has been pursued with other auxiliary explanations:—

*"Some of my Muslim friends said that if there be joint electorate system introduced in Pakistan, then the Scheduled Castes will be exploited by the Caste Hindus.

"I say. No, if the Caste Hindus want to exploit us; Muslims will come and save us, because there will be joint electorate.

"Muslims cannot leave us to the mercy of the Caste Hindus, and it has been my belief that my down-trodden community, I mean the Scheduled Caste community will not be exploited by anybody, if the Muslims be with us in joint electorate.

"Now the question is that we are not afraid of the consequences at all, if thereby, in any case, joint electorate be given."

†"It has been argued here, on the sssumption that Scheduled Castes are very backward, as the Honourable Sardar Nishtar has pointed out, justifying the interference by Muslims in the matter that concerns exclusively

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*Mr. Birat Chandrta Mandal, Constituent Assembly, April 17, 1952.
†Mr. Bhabesh Chandra Nandy, Constituent Assembly, April 19, 1952.

Hindus, on the plea that Islamic idea enjoins upon a man to help a blind man, moving in the streets, to move in the right path.

"But I should tell the House, that the Schduled Castes in East Bengal are not so blind, either physically or intellectually, or culturally, as they think them to be, today........

"The Scheduled Castes themselves have got serious and genuine apprehension: where these benefactors will lead them to......

"...... Politically, to separate them, in these days, would mean separating them also socially and culturally, and making the Scheduled Castes, that is, the comparatively backward classes all the more helpless; and leading them into other difficulties, and serious troubles and ultimately to their disintegration.

"Similarly this separate electorate, that is, separation from the Muslims, as I have said the other day, will be injurious to the interest of Muslims as well."

*"My view-point is this that nothing short of joint electorate will satisfy the Scheduled Castes.

"Some of my friends have expressed their unfathomed love for the Scheduled Castes. But we say that you ought to understand, that we are not idiots—we are not wrorse than cats, dogs and cows. We know who loves us.

"So if you do not bluff us, if you really love us, and if you really want to uplift us, please do this: introduce joint electorate system in the constitution, and you will find that all difficulties will disappear from Pakistan, and nobody will try to destroy Pakistan. It has come to stay here. Pakistan Zindabad."

†"Do the Christians of East Pakistan want separate electorates? No.

"Their Leader, Honourable Mr. Peter Paul Gomes, represents them in the East Pakistan Assembly. He also represents them in the National

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*Mr. Birat Chandra Mandal, Constituent Assembly, April 17, 1952.
†Mr. Madhavji Dharisbhai, West Pakistan Assembly, August 4, 1956.

Assembly. Mr. Gomes says that in his opinion, separate electorates will wipe out the minorities.

"I will proceed to quote his very recent article published in the fortnightly 'Goodwill' of Karachi. Mr. Gomes says:—

> 'I feel that the Muslim demand for separate electorates is a remnant of their fear of being dominated by the majority community in Undivided India'.

"Then he goes on to say:—

> 'Hence there was justification in the Muslim demand for separate electorates in undivided India'.

"Further, he says:—

> 'The Muslims in Pakistan are in an absolute majority, comprising more than 80 per cent of the population, and the non-Muslims form only about 20 per cent.
>
> 'Under these changed circumstances, it was naturally expected that the Muslim stand would change—they would demand joint electorate in an all out attempt to absorb the non-Muslims completely in the body politic of the country, and remove the very idea of majority and minority complex—and remove the very idea of this narrow complex, and the non-Muslims would try to safeguard and protect their interests by clamouring for separate electorates, and that would have been most natural.
>
> 'But alas ! what do we find? While the non-Muslim minorities in Pakistan still demand joint electorate, and are ready to completely merge themselves in the body politic of the country, and wipe out the idea of majority and minority from the political sphere, to forge ahead as One Nation, the Muslims, though being the majority community—demand separate electorates, in an attempt to keep up divisions amongst the people of the country.
>
> 'This is something new in history'.

"Further Mr. Gomes says:—

"But, why is it that the non-Muslims of East Pakistan are so very adamant in their demand for joint electorate?

"Actually, so far as the election of non-Muslims to the provincial legislature of East Pakistan is concerned, they have absolutely nothing to gain.

"It may, and I think, will surely, mean a reduction in their numbers being returned to the provincial legislature.

"The Muslims will thus be the gainers. I think, the position in West Pakistan is more or less similar.

"Still, how is it that even though the non-Muslims stand to lose, if the principle of joint electorate be accepted, they are so very aadmant in voting their demand for it.

"This too needs a little analysis. But, any one who regularly goes through the newspapers and has studied the working out of the '*apartheid*' policy of the government of South Africa, will quickly be able to appreciate the stand taken by the non-Muslims of East Pakistan.

"The non-Muslims of East Pakistan do not want to grow up as a separate communal group in the political field.

"They desire to be merged and grow up as a single political entity. They do not desire that the 'apartheid' policy, with all its future implications, be practised in Pakistan on minor religious groups".

Representation of all Classes and Interests

We have seen under this Heading in the previous chapter, how separate electorates were defended on the ground that democracy implies fair representation of all classes and interests.

Supporters of joint electorate met this argument by showing that separate electorates, neither in principle, nor in practice, ensured "fair representation".

Mr. Bhupendra Kumar Dutta speaking in the Constituent Assembly on April 15, 1952, said that community-wise separate electorates, deprived the minority communities of 'all effective right to a nationality', as enjoined upon by the U.N.O.

"A subservient citizen, even when very mercifully made a Minister, functions on sufferance, with unmanning anxiety to please his personal benefactors.

"He becomes a mean specimen of human existence".

Professor Raj Kumar Chakraverty told the Constituent Assembly on April 15, 1952, that considerations of the State must come first and consideration of individuals next.

The test of statesmanship lies not in giving what any section of the people wants, right or wrong, but in doing what is fair and just, and what is consistent with the good of the State, irrespective of whether some people want it or not.

If we encourage fissiparous tendencies, he said, by the introduction of separate electorates, it will weaken the State; we cannot be a united body, as the Chinese have been, as the Egyptians have been.

The representatives elected under such separate electorates, are bound to have a communal and sectional outlook, which can never be for the good of the State, which aims at unity and solidarity.

According to Professor Chakraverty if this demand came from a minority section, it would have been understandable but for the majority representing 86% of the population, to come here and demand reservation of seats and safeguards was an unheard of thing.

It showed their nervousness, their weak position, and a desire on their part to perpetuate their rule by reservations and safeguards, as if they dared not face joint electorate.

Threat of Sub-Partition of Pakistan

Contrary to the Muslim League's contention that the non-Muslims in Pakistan had never demanded sub-partition, the following quotations

establish that insistence on separate electorates, had in fact led to such a demand.

*"On the Two-Nation theory you demanded division of India into two.

"History will repeat itself on the Five-Nation theory; they will claim division of East Bengal into five parts.

"Do not do it in the interests of the citizens of East Pakistan.

"If you are Two-Nations, why do you want to make Five Nations? Quaid-i-Azam did not make five nations—only two.

"By this register you are making five nations: Muslim Nation; Caste Hindu nation; Scheduled Caste nation; Christian nation, and the Budhist nation."

†Another Hindu member Bhupendra Kumar Dutta says:—

"If separate electorate under the Britishers led to the partition of India, let history repeat itself and the country be further sub-divided.

"Let the regions west of the Padma be assigned to the non-Muslim of East Pakistan, and the Tharparkar District of Sind to those of West Pakistan.

"The Islamic provisions of the Constitution shall be void in those regions, where the non-Muslim minorities of Pakistan may live, without at least being harassed and opposed by the State organization for proselytisation, and where their personal laws shall remain free from the repugnancy of the Quran and the Sunnah".

* Mr. Sris Chandra Chattopadhyaya, Constituent Assembly, April 18, 1952.
† As quoted by Mr. G. M. Syed in the West Pakistan Assembly on August 1, 1956.

CHAPTER VI

Analysis

In the last two chapters, are separately summarised, all the arguments ever advanced for or against joint or separate electoral rolls. From the quotations given, one can also form an idea as to the form of the State we want to build up, the basis of our nationhood, whether the State has to conform to an Islamic pattern, and the relations between the two wings of Pakistan. What are the true interests of minorities—to preserve their identity, or to seek amalgamation in the general body-politic? Can the different systems of franchise adversely affect the proper balance between the majority and the minority communities? Does an Islamic State permit freedom of political association to the minorities living within its jurisdiction? How can proper representation be given to the minorities in the parliamentary institutions of the Republic? Will a change in the system of electorate affect positively or negatively communal relations? Are the minorities sincere in their demand for joint electorate? How will the Scheduled Castes be affected by a particular kind of franchise? Does the integrity of Pakistan demand a particular type of franchise? What system of electorate can ensure fair representation to all classes and interests of the citizens? Can a wrong choice of the franchise result in the sub-partition of Pakistan? All these questions are answered in the debates quoted in the last chapter.

We have divided the two preceding chapters under the following sub-heads:—

(1) The Two-Nation Argument. (2) The Religious Argument. (3) The Ideological Argument. (4) Gulf between two Pakistans. (5) Interest of Minorities. (6) Tilting the Balance. (7) Hindu Choice not in Muslim Interest. (8) Justice to Minorities. (9) Necessary for Cordial Communal Relations. (10) Malafide Profession of Caste Hindus: (*a*) Injustice to Scheduled Castes, (*b*) Destruction of Pakistan. (11) Representation of all Classes and Interests, and (12) Threat of Sub-Partition of Pakistan.

Let us now analyse the arguments under each of these headings:—

1. The Two-Nation Argument

A study of the arguments on both the sides under this particular heading will reveal that the word 'nation' is not employed throughout these arguments in one sense. When a word is used in more than one meaning in the same argument, it naturally causes unnecessary confusion and complication.

That a Nation, a Homeland, and a State are three separate conceptions which may subsist independently, or jointly, was lucidly explained by Ch. Muhammad Hussain Chathha in the National Assembly of Pakistan on October 11, 1956. He said:—

"One of the deplorable after-effects of British slavery still to be found amongst us is that sometimes words or terms borrowed from the erstwhile masters elbow out the solid facts of life from our consciousness, and in hypnotised minds take the place of living realities.

"Thus an erratic misconception about an item in a foreign vocabulary is occasionally at the root of heated and prolonged controversies.

"Some of us are prepared to barter away their most sacred convictions, simply to play with the toy of a spurious diction bereft of its natural meaning.

"Such a trouble-maker word is the English term 'nation'. Nation signifies three separate conceptions in the English language. The three conceptions may be conveyed collectively, or separately, or in different combinations, depending upon the context.

"(1) When used in phrases or constructions, like the '*League of Nations*' or the *United Nations*' *Organisation* the word '*nation*' simply means a *State*. No people or territory as such is eligible to the membership of these institutions, unless it first creates a State.

"(2) On the other hand, in the expression '*English Nation*', the word '*nation*' refers neither to the *State* nor to any *territory*, but merely to *a race of people* who inhabit many countries other

than England, and have created many States independent of both the Crown, as well as the State of the United Kingdom of Britain.

"The same explanation applies to the use of the word in the combination '*Arab nation*.' Arab *States* as well as Arab *countries* are to be found outside Arabia proper. Hence it means simply a particular *human race*.

"(3) On the contrary, when in the pre-Partition Sub-continent, the '*Indian nation*' was referred to, covering independent kingdoms like Nepal, and both Hindus as well as Muslims alike, the phrase meant only *a geographical territory*, distinguishable both from the *State* of the British Indian Empire as well as the many *peoples* and *races* inhabiting it.

"In the English language there are also separate words for these three distinct meanings of the term '*nation*', but certain minds are slaves to their ears. Because they have heard the same *word* conveying all the three conceptions, therefore, they vehemently insist that even the three '*things*' corresponding to these three concepts are the same. Thus they mingle out a monstrous mixture of the three entities, and declare that the establishment of one *State* in a country *postulates* that the unfortunate *people* inhabiting the same land and ruled by one Government must also agree to be conglomerated—or at least conglutinated—into one '*nation*'. A funny obsession and delusion, is it not?"

The Shorter Oxford English Dictionary on page 1311 explains that upto 1584 A.C. this word had meant a tribe or a clan, or even a family, such as *the Nation of North American Indians*. This use continued till 1763. In 1602 A. C. the word '*nation*' also came to mean "*the whole of a country*."

In 1664 A.C. some mediaeval Universities used this word to describe a "*body of students belonging to a particular district, country, or group of countries*." This use of the terms still continues in the Universities of Glasgow and Aberdeen in connection with the election of the Rector.

In 1668 A.C. the word '*nation*' came to signify a *country* or a *kingdom*, but this use is now rare. In 1781 A.C. the word was used to signify a "*particular class, kind, or race of persons, or of animals*." In 1818 A.C. it meant "*people of a particular nation*."

Webster's New International Dictionary on page 1629 explains that the word nation can have three distinct meanings, a *country*, a *State*, or a *people* :—

> (1) A community or an aggregation of men or animals, especially a caste or class formed by the common professions or interests of its members.
>
> A people connected by supposed ties of blood, generally manifested by community of language, religion and customs, and by a sense of common interest and inter-relations. Thus the Jews and the Gypsies are often called nations.
>
> (2) Popularly any group of people having like institutions and customs, and a sense of social homogeneity and mutual interest.
>
> Most nations are formed of agglomerations of tribes or peoples, either of a common ethnic stock, or different stocks fused by long intercourse.
>
> A single language, or closely related dialects, a common religion, a common tradition and history, and a common sense of right and wrong, and a more or less compact territory, are typical characteristics ; but one or more of these elements may be lacking, and yet leave a group that from its community of interest and desire to lead a common life, is called a nation.
>
> (3) Loosely, the body of the inhabitants of a country, united under a single independent government.
>
> (4) A State.

Webster.'s Distionary of Synonyms on page 672 gives the following information about the words "nation" and "people" :—

> NATION : is primarily a political term, but it is also common in historical writings and is even more frequent as a literary word with highly figurative connotations.

Literally, it signifies the inhabitants or more norrowly, the citizenry, of a sovereign state, or any body of persons who have been united under one independent government long enough to have acquired a distinct identity.

It implies a certain homogeneity in these persons because of common laws, institutions, loyalties, and customs, but it does not necessarily imply, as race usually does, a common origin, or a common remote past, or a common physical or mental type.

In this sense, it is often contrasted with State. "*When the state fell to pieces, the nation held together*" (J. R. Seeley).

"*A state is accidental*; *it can be made or unmade*; *but a nation is something real which can be neither made nor destroyed*" (J. R. Green).

Figuratively, nation often suggests an ideal to be realised, rather than an established entity, it is then, as a rule, personified; as "*a nation strong, trained up in arms*". (Shakespeare).

Nations, like men, have their infancy" (Bolingbroke) ;

Until nations are generous, they will never be wise (Irving);

The nation's honour is dearer than the nation's comfort (W.Wilson).

There still prevails a use of "nation" which is not clearly distinguishable from that of race in its population sense ; as *the Gypsy nation.*

He hates our sacred (Jewish) *nation* (Shakespeare).

PEOPLE : is the preferred word in historical and sociological terminology, when a body of persons as a whole, and as individuals, show a consciousness of solidarity and of peculiarity, that is not entirely explainable by race or nation.

"The term usually designates an aggregate of persons who, irrespective of their individual racial origins or ancestral nationalities, have through close and long-continued association achieved a common culture, common interests and ideals, and a sense of race or kinship.

"People is inter-changeable with nation only when the terms imply the same background and cover the same range of instances; as, *Congress should voice the will of the American people* (or nation);

"*Englishman designates one of a people* (the English people); '*Briton*', *one of a nation* (the British nation).

"People is usually far weaker in its implication of political unity and far stronger in its implications of cultural and social unity than nation. '*The cry of the little peoples goes up to God in vain. For the world is given over to the cruel sons of Cain*' (R. Le Gallienne)."

Before the establishment of Pakistan, when the Mussalmans inhabiting the sub-continent were fighting for the liberation of their Homeland, where they would construct a society in accordance with their own genius, the Quaid-i-Azam naturally laid emphasis on the people-hood of the "Ten Crore Mussalmans" inhabiting this area. The claim was founded on the natural right of self-determination.

There can be no question that, as a people, the Mussalmans all over the world are one entity (Ummat), distinct from the rest of humanity.

As such the Mussalmans are an ethnic as well as an ethic consensus, which inter-breeds only among itself. They might take the daughters of the Jews and the Christians, but a Muslim woman cannot take a non-Muslim husband under any circumstances whatsoever. That is why the Islamic Scriptures refer to the Muslims as "One People" against the rest of the humanity as the "Other People" (Alkufr Millatul Wahida).

But the Muslim People have constituted themselves into separate countries, as distinct nations (*Millat*, *Milal*); such as the Afghans, the Iranians, the Arabs, etc.

The different nations, such as the Arabs, have in turn, set up numerous States (*Daulat*, *Dawall*) e. g. Egypt, Morocco, Tunisia, etc.

Hence there is nothing contradictory in the Muslims being a separate nation as a people, yet constituting numerous nations as inhabitants of different countries, and at the same time becoming one-nation with the non-Muslim citizens of one State.

The real issue is what type of a State are we setting up in Pakistan? The constitution of the Islamic Republic has already settled, that it will be a Democratic Republic, in which all the citizens shall have equal rights, and equal opportunity of public service.

In the circumstances, any attempt to bring the One-Nation or Two-Nation conception into the separate or joint electorate controversy, is nothing more than forensic euphemism.

After the establishment of Pakistan, the Muslim citizens of Pakistan are not only members of the Universal Islamic Fraternity, they are also citizens of the State of Pakistan. The electorate issue wholly pertains to the question of the nature of the State that Pakistan is, it has nothing to do with the Universal Peoplehood or brotherhood of Islam, which is an admitted reality in its own jurisdiction, conceded by all schools of thought.

Thus it is evident that the Two or One Nation argument, as far as it concerns the electorate controversy, is in fact an issue of the political ideology on which the State of Pakistan is founded, because "nation" in the political context of electorate can only mean "State"; it cannot mean "people" or "country".

So we leave the One-Nation or the Two-Nation question here as irrelevant in principle to the electorate issue. We shall take up the substance of this question when we discuss the details of the ideology on which the State of Pakistan stands.

(2) **The Religious Argument**

The religious argument in so far as it concerns the electorate issue, has a variety of aspects. These can be seen in the ten years of debate that we have summed up in the two previous chapters.

It was Sardar Amir Azam Khan who, as we have seen earlier, speaking in the first Constituent Assembly of Pakistan on 16th April, 1952, pointed

out that the membership of the Islamic State depended on the "bed-rock of the twin principles of the Unity of God, and the Finality of Prophet Mohammad. Persons accepting this principle......belong to one group, while those who set their faith against it....fall in the Opposition camp......"

We have also noticed the remarks of the Punjab Disturbances of 1953 Court of Inquiry Report that, "......Though Ijma is collective, there is no place in it for those who are not experts in the knowledge of the Islamic Law."

As we have observed earlier, Mr. Abul Bashar, Mohammad Sultan-ul Alam Chowdhry, speaking in the East Pakistan Assembly on 1st October, 1956, gave the following quotation from the Holy Quran :—

"*O Believers ! Do not take the people other than yourself into confidence in your affairs. They will leave no stone unturned to destory you. They love what pains you. Their hatred against you has found expression from their tongue. And what their heart conceives is much more dangerous. I have shown you the signs, if you can understand them.*"

Prof. Raj Kumar Chakraverty, speaking in the constituent Assembly on 15th April, 1952, opposed separate electorates from the point of view of the Islamic religious teachings on the following grounds :—

"(*a*) That Islam enforces equality in its society, whereas separate electorate creates disparity and inequality.

"(*b*) separate electorate reduces the minority population into an inferior class of citizens whose franchise is perpetually segregated from the majority, and thus denied the opportunity to develop into an effective political force in the State, through converting the majority. If Islam implies such political segregation, then the Islamic State by its nature will breed a subversive minority. Pakistan has been declared to be a democratic State. Therefore, in Pakistan such an undemocratic interpretation of Islam cannot govern the constitutional provisions pertaining to franchise.

"(*c*) No other Muslim State in the world now-a-days implements such undemocratic interpretation of Islam.

"(*d*) If such an undemocratic and segregative interpretation of Islam is adopted as the governing principle of the franchise in Pakistan, its logical outcome would be that religious doctrines haveing been accepted as the touchstone of the franchise, the solidarity of the Islamic community in Pakistan itself will in due course be encouraged to further split itself into Shia-Sunni, and other religious sects. Religious convictions having their source in the individual conscience, they cannot be made the objective solid criterion for delimiting constituencies under the modern democratic principle of universal franchise. Pushed to its extreme interpretation, religious doctrines will create as many constituencies as there are individual interpretations of religion.

"(*e*) If the State accepts the principle of delimiting constituencies under the religious beliefs of the majority, then the minority population under the right of equal citizenship will demand similar treatment of its own sub-minorities according to its religious convictions. This will reduce the constitution and the State into a theological cockpit.

Next, we have noted that Mr. Bhupendra Kumar Dutta speaking in the Constituent Assembly on October 7, 1953 made the following points, in opposing separate electorates from the point of view of the religious argument :—

"(*a*) Pakistan has been founded by democratic parliamentarian leaders like the Quaid-i-Azam and the Shaheed-e-Millat, who were opposed to the domination of the State of Pakistan by fanatical religious obscurantists. Hence franchise should be democratically uniform, for the parliamentary institutions in our Republic. It should not be narrowed, split up, or reduced to water-tight pockets, merely to please theologian who do not know what they talk about.

"(*b*) No doubt Pakistan's constitution recognises the sovereignty of Allah all over the Universe, but it further concedes that in Pakistan this Divine sovereignty has been delegated to the people

of Pakistan without distinction of class, creed or caste. Hence communal distinctions should not intervene when the popular recepients of Divine Sovereignty are electing their Representatives.

"(*c*) Democratic parliamentary States invest their ultimate, omnipotent political sovereignty in the parliament. On the other hand Muslim classical constitutional jurists have been at difficulties how to link the invisible Divine sovereignty with the earthly political sovereignty of the State. Some identified it with the principle of Knowledge, others with Piety, still others with a particular dynesty, still others with the universel Consensus of the Faithful. Therefore a parliamentary democratic State cannot be reconciled with the orthodox despotic interpretations of Islamic political institutions. Hence the electorate in Pakistan should be in accordance with the modern conception of equality of citizenship.

"(*d*) According to Islamic teachings, the primary emphasis is laid upon personal character. It is to Islam's credit, that the 'World Revolution' which it aims to bring about, is to be achieved through personal example and personal guidance, rather than in oppression, or suppression of individual liberty. The modern age is a corrupt age. Personal character has deteriorated. In the circumstances, to give exclusive political power to the so-called Muslims, without first making any attempt to bring up their personal character to the standard of values laid down by Islam, will only bring Islam into disrepute. Therefore, if the Islamic State is to be revived, the first step should be to raise the standard of personal character among Muslims. Meanwhile the system of electorate should be adopted in accordance with the modern parliamentary conception of uniformity of citizenship.

"(*e*) Introduction of religious ideas into political affairs, before Islamic teachings have been purified of their sectarian corruptions, will revive that sectarian strife and anarchy which in the past destroyed many Muslim Empires. Therefore, the system of electorate may be joint for the time being at least.

"(*f*) Religious teachings by their nature represent 'absolute truth'. Therefore, there can be no toleration of what 'fisalse

and evil' according to religious teachings. If Islamic vocabulary is prematurely introduced into politics, it is likely that the political differences will deteriorate into religious strife, with all its implications of violent fantasticism and spiritual hatred. Therefore, the system of electorate may be founded on the basis of secular as contrasted with religious values. Secular values are rational and can be discussed without any fear of physical clash. On the other hand, religious values are sentimental and super-rational. Therefore, religious values cannot be discussed under any system of reasoning common to antagonistic religious camps.

"(*g*) The interpretation of religious teachings is apt to be out-dated with the course of time. Religious values are eternal values. But every generation has its own political problems. Therefore, a democratic franchise, common to all citizens, is more suited for the problems of the State, as compared to the ancient religious conceptions.

"(*h*) Human nature being what it is, political rivalries are bound to deteriorate into personal rivalries. But the blind followers of a political leader cannot be too numerous, because political values are always utilitarian values. Therefore, political followers are only prepared to allow themselves to be exploited to a limited extent. On the other hand, when religious followers are exploited for political ends, there can be no limit to their credulity, because religious followers are, more often than not, blind followers. Therefore, a franchise founded on a universal and uniform political status is better for a State, for the purpose of its progress, as compared with a separate electorate, founded on the particular religious identity of the voters.

"(*i*) According to modern scientific research, religious conceptions are merely emotional reflections of the economic structure of a particular society. The present industrial age is passing through a period of restless instability. Therefore, any static and dead interpretation of religion is likely to be a failure in the circumstances that now prevail in the world. Hence the system of electorate should be uniform, and should have nothing to do with religious distinctions.

"(*j*) The example of Turkey conclusively proves that an Islamic State can make more progress, and gain better prosperity, by a secular joint electorate, than a religious separate electorate.

"(*k*) Religious values are a heritage of the civilization which prevailed when Man was primitive. Pakistan is a State which has been created at the stage of evolution which humanity has reached in the twentieth century. Therefore, the franchise here should be joint, in accordance with the modern conditions, rather than being separate under the ideas which were current during the infancy of Humanity".

As we have already noticed, the Punjab Disturbances of 1953 Court of Inquiry Report, while concluding its remarks on the Islamic State, had arrived at the conclusion that the superiority complex prevailing among the Muslims about their political institutions is a heritage of the time when Islam was the spokesman of the most progressive social forces of the age. Unless the eternal Islamic values are re-interpreted, in view of the novel requirements of the present age, there is no possibility of Islam dominating the global forces, as it did in the past. The Report also emphasised the importance of personal character in the implementation of Islamic values.

Mian Mohammad Shafi (M. L. A. from Montgomery), speaking in the West Pakistan Assembly on August 2, 1956, pointed out that the Islamic values are so universal that even non-Muslims do not resist their implementation in an Islamic State. The non-Muslim Pakistanis have already accepted the Constitution of the Islamic Republic of Pakistan. Therefore, there is no need of separate electorate to preserve Islamic values. It is the reactionary elements of society who exploit Islam for preserving their class-domination. It is they who acquire separate electorates in the name of Islam to misuse it for the domination of their vested interests.

Prof. Raj Kumar Chakraverty, again speaking in the Constituent Assembly on October 9, 1953, quoted some verses from the Holy Quran ordaining whipping for adultery, cutting off the hand of a thief, segregation of sexes, and prohibition of interest. Prof. Chakraverty inferred from these quotations that Islam was not suited to modern condition. Therefore, the system of separate electorates cannot be adopted in order to revive such primitive, reactionary and unpractical religious teachings.

Begum Jahan Ara Shah Nawaz speaking in the Constituent Assembly on October 13, 1953, controverted the argument of Professor Chakraverty by pointing out that hand-cutting of thieves is only the extreme punishment for habitual offenders, and Islam provides more rights for women than any other social system. Therefore Islam is more progressive than any other modern system. Hence there is nothing primitive in moulding the Constitution of Pakistan, including the provisions regarding electorate, according to Islamic principles.

Sardar Asadullah Jan Khan speaking in the Constituent Assembly on October 8, 1953 had pointed out that according to the Quranic provisions, there should be no compulsion in matters of religion. Therefore, in a State inhabited by peoples professing different religions the Constitutional Law (including the electorate law) could not compel the non-Muslim minorities to segregate themselves. After all Allah wants humanity to be united, rather than stand divided.

Chowdhri Moazzam Hussain Zaheeruddin (Lalmia) speaking to the Constituent Assembly on October 24, 1953, deprecated Professor Chakravarty's partiality for thieves, adulterers, and usury-capitalists as against the nobler elements of the society. He proved by quoting statistics that in the so-called civilised countries like America, where the rigorous laws of Islam against heinous crime are not enforced, the incidence of sexual delinquency, theft, and murder was much worse than, for example, in a simple country like Saudi Arabia. Western eminent thinkers themselves deplore this unchecked moral deterioration. On the other hand, the universal fraternity of Islam is everywhere admitted. Hence there is nothing savage or primitive about the teachings of Islam, and these can be made the foundation of Pakistan's Constitution, including the electorate with advantage.

Maulvi Ebraheem Khan, speaking in the Constituent Assembly on October 20, 1953, contended that the fundamental spirit of Islam is scientific, rational and progressive. "All known religions other than Islam, have given......emphasis to the life to come, leaving life on this side of the grave in comparative neglect. Islam on the other hand seeks to bring life on both sides of the grave into a harmonious union......", He continued with the following quotation from Dr. Mohammad Iqbal :—

"Humanity needs three things today; spiritual interpretation of the Universe, spiritual emanicipation of the Individual, and basic principles of a universal import, directing the evolution of human society on a spiritual basis.

"Modern Europe has built idealistic systems on these lines, but experience has shown that the truth revealed through pure reason is incapable of bringing that fire of living conviction, which Personal Revelation alone can bring.

"This is the reason why pure thought has no little influenced man, yet religion always elevated individuals and transformed societies.

Then Maulvi Ebraheem Khan gave the following quotation from Briffault in his book 'The Making of Humanity':—

"Science is the most momentous contribution of the Arab civilization to the modern world......"

Sardar Shaukat Hayat Khan speaking in the Constituent Assembly on October 13, 1953, gave examples from the life of the holy Prophet of Islam himself, to prove that non-Muslims are always to be treated in accordance with the Treaty entered into with them.

He further argued that when at the time of the partition, the Quaid-i-Azam, and later the Quaid-i-Millat entered into an agreement with India that the minorities in both the dominions will be given equal political rights with the majority, by implication it was conceded that a minority could not be restricted, extricated, or segregated from its rights of franchise against its own will.

Sardar Abdur Rab Nishtar, speaking in the Constituent Assembly on October 25, 1953, conceded the proposition expounded by Sardar Shaukat Hayat Khan.

Sardar Sahib said that non-Muslim citizens of an Islamic State are of two kinds:—

"(*a*) *Zimmi* is one who becomes citizen of an Islamic State on conquest of a territory."

"(*b*) "*Moa'hid*—those who become citizens on the basis of an agreement.

Mr. Dhirendra Nath Dutta, speaking in the Constituent Assembly on October 8, 1953, took up a different attitude as compared with Professor Chakraverty against the imposition of separate electorates, under an alleged mandate of the teachings of Islam.

Whereas Professor Chakraverty had taken up the stand that Islam was a primitive and savage religion, which cannot meet the requirements of the modern age, Mr. Dutta objected that the Muslim Leaguers talk of Islam, but they have no intention of implementing the true provisions of Islam. Therefore, Islam should not be brought in, while deciding the issue of joint or separate electorate.

He gave the examples of drinking, gambling, prostitution, and Riba (interest). He contended that the Muslim Leaguers merely wanted to bluff the people. They talk of Islam when they want to safeguard their own political status under separate electorate, but they do nothing to enforce the provisions of Islam against actual sin.

From the foregoing , it is evident that we have to begin with a fundamental distinction between those who oppose Islam as such, and those who only contend that separate electorates are not necessary according to Islamic teachings, or are even opposed to the same.

After the debates from which we have given all these quotations, the Constitution of the Islamic Republic of Pakistan has been completed and adopted. This Constitution clearly recognises the role of the Quran and the Sunnah in the business of the State. Therefore, no scope is left for those arguments against separate electorates, which attack Islam as an unpractical religion in the modern age. No Mussalman can doubt the eternal truth of Islamic teachings, and yet remain a Muslim. After the adoption of the new Constitution, even a non-Muslim citizen of Pakistan is not left with any constitutional scope to question the status of the Quran and Sunnah.

Therefore, our problem is simpler than that of the participants in the debate mentioned above. We have merely to discover whether Islam condemns or prefers separate electorate?

But before answering this simple question, we must distinguish between the two kinds of laws which every Mussalman has to practise in his life.

One is the law of Shariat (Gospel) or the law of a particular Fiqah (Canon Law).

Gospel law has to be discovered from the Quran and the Sunnah and has to be interpreted with the help of the particular School of Fiqah, which any particular Mussalman follows.

The operations of these laws of Shariat and Fiqah are not confined to any one Muslim country, or any one Muslim State. They are uniform and universal for all the Mussalmans of a particular School of Thought, in whatever part of the world they might be residing.

There is a particular Canon law (Fiqah) for arriving at an understanding of the Shariat, according to every sect, or school of thought within the sect. For instance, the Sunnis follow the "Edicts of Ijma" (Consensus of Authority), whereas the Shias believe in the "Decree of the Mujtahid" whom they recognize. It is evident that neither the Shias, nor the Sunnis (who constitute the two most important and the biggest sects in Islam), are willing to accept the legislation of any particular Muslim State as the "Shariat of Islam," The legislation of particular Muslim States has no Divine sanction behind it, merely because it is the law of a Muslim State.

Supposing the recommendations of the Marriage Commission had been accepted by the Parliament of Pakistan, and polygamy had been restricted under particular conditions, e.g., permission by a court of law. Can any body contend for a minute, that such an Act would have acquired the status of a "Law of Shariat", even within the frontiers of Pakistan? Certainly the Act would been enforced by the law courts, at pain of the punishment provided in it. Perhaps a majority of citizens would have even agreed to abide by the law passed by their Parliament. But it could never assume the status of a provision of Shariat for the Sunnis, until the Sunni Ijma all over the world had confirmed it. Nor the Shias would have accepted it as a provision of the Shariat, till the particular Mujtahid whom they follow, had issued a Decree adopting it.

From the foregoing it is evident that the Legislation of a Muslim State is as much distinct from the Shariat of Islam, as a particular Muslim State is distinct from the universal Islamic fraternity of *Khilafat* or *Imamat*.

Muslims all over the world aspire to re-establish the universal Islamic State, according to their individual convictions and ideals. But till the day when this great ideal is achieved, we have to face the concrete objective fact, that the laws of any Muslim State, even when they aspire to conform, or be subordinate to, the principles of Shariat, are not the "Shariat of Islam" in their own right.

The Muslim Leaguers create much confusion in religious circles by propagating that separate electorates are necessary for Pakistan, because otherwise non-Muslims will be participating in the determination of the Laws of Islam. But they conveniently forget, or intentionally hide, the fact that even if separate electorates are enforced in Pakistan, the Parliament of Pakistan will include non-Muslim members. Besides, even the Muslim members of the Parliament do not qualify for the status of *Ahl-ur-Ra* (qualified voters of an Assembly who are entitled to interpret Shariat). Therefore, though the Parliament of Pakistan is entitled to make laws for Pakistan, yet these laws in their own right can never assume the status of "Shariat". They might conform to Shariat. But by the mere fact that they are confined to one Muslim State, and that the Parliament, which is responsible for their enactment, does not qualify as interpreter of Shariat, these laws do not enjoy the eternal and Divine status of the "Laws of Shariat". In the circumstances, the Muslim Leaguers who pose as friends of Islam, when they advocate separate electorates, in fact do great damage to the integrity of the laws of Shariat. Their proposition carries with it the dangerous implication, that in future it will be the mixed Parliament of Pakistan, rather than the *Ijma* of the Sunni *Ulema*, or the Shia *Mujtahid*, who will interpret the Shariat of Islam for them, respectively. No Muslim who is worth his faith, will ever agree to such a proposition.

Once it is appreciated that particular Muslim States are not the equal of the universal Islamic State, the laws of the particular parliament constituted on secular democratic considerations are not the law of Gospel; and the Canon law (Fiqah) of different sects is superior to the jurisdiction of the Acts passed by such parliament, then it becomes crystal clear that the question of electorates is not directly connected with the interpretation of Shariat.

Of course, the question still remains, that even if a Muslim State is not the universal Islamic State, even if the laws of a particular Muslim parlia-

ment are not the "Laws of Shariat", the constitution of every Muslim State and the legislation of every Muslim parliament has to be subordinate to the principles of Shariat, because the makers of this Muslim State and this parliamentary legislation are Muslims, who recognise the supremacy of Shariat.

But there is much difference between creating a body for the determination of Shariat, and setting up an organization for preparing political legislation.

Even the Constitution of Pakistan visualises two separate organizations for bringing the Laws of Pakistan in conformity with Shariat, and the propagation of true Islamic teachings.

Much confusion is created by repeating the platitude that Islam has got no Church and, therefore, there is no distinction between the clergy and the laity.

It is true that every Mussalman is permitted to study theology, without any extra disabilities. It is also true that in Islam, making a profession of theology is prohibited. But it does not mean that there are no experts, jurists, and scholars in the Islamic Society; nor does this mean that the politicians who are fit for holding offices in a Parliamentary Republic, are also of necessity the best, or even qualified, exponents of Islamic teachings.

The crux of the problem, therefore, boils down to this, that the question of electorate is not a question of Shariat, nor it is a question of the interpretation of Shariat.

It is merely the question of setting up a State for the day-to-day administration and legislation, in the prevailing political circumstances for a particular Muslim community, in accordance with the principles of Shariat as interpreted by religious experts, our Ulema. Any citizens or even a foreigner can apply to the Supreme Court under the Constitution of the Islamic Republic of Pakistan to get any law declared void, as repugnant to the Quran or the Sunnah.

This question is in no way different from the question of the political ideology of Pakistan. Therefore, we postpone its detailed discussion

to the next chapter which will be specially devoted to the study of Islamic ideology, with particular reference to the establishment of Pakistan.

The Muslim Leaguers in their hunger for political power, confuse separate electorate with the authority to interpret Shariat in accordance with Fiqah. The motive is to usurp the status of the Ulema and the Mujtahadin, just as they have usurped the right of the voters by proclaiming themselves the sole representatives of Pakistanis, and just as they usurped the rights of other political parties, by declaring them traitors.

(3) **The Ideological Argument**

Both the supporters of joint electorate, and the protagonists of separate electorates concede that Pakistan has been founded on the basis of a peculiar ideology which brings together the geographically separate two wings of the country, and which was the primary cause of the bifurcation of the Sub-continent into the two dominions.

Pakistan does not enjoy those cementing factors like one race, one language, one history, or the same habits of social or cconomic existence; which normally bring together the citizens of other States. The only two common factors between the two wings of Pakistan are: religious identity of the majority community in both zones, and a common struggle for freedom.

Both these factors are a heritage of the past. Unless they are supported by a third factor—a common dream of a glorious future, which is technically described as a common ideology—there can be no hope for the preservation of the integrity of the State of Pakistan. What exactly this common ideology is, has not so far, unfortunately, been agreed upon in definite and final terms. We have seen that during the ten years of debate concerning the electorate issue, both the supporters as well as the opponents of joint franchise have been making use of the ideological argument. Let us summarise the main points on both sides, and then perhaps we might be able to arrive at the crux of the problem.

It was Mian Mumtaz Mohammad Khan Daultana who, speaking in the Parliament, on October 10, 1956, averred that "a community of interest, a community of feeling and emotion" were the fundamental elements of the ideology on which Pakistan is founded. It springs

from "an immediate common cultural experience, a common participation in the same stream of history", and is "altogether a matter of common faith and thought"......"The differentia, and spirit of Pakistan, is Islam— or if you prefer it, Muslim...... If this is to be an obscurantist, then my patriotism has no other food to feed upon, no clearer light to show it its future path."

Ch. Mohammad Hussain Chatha, speaking in the Parliament on October 11, 1956, expressed the same conception in more concrete terms when he said "separate electorates are a corollary of separate representation. Separate representation is the most vital medium for the expression...... of separate nationhood. Separate nationhood is founded on a separate ideological solidarity, and a common struggle for the liberation of the Homeland. The struggle for the liberation of the Homeland, too, was a result of the ideological solidarity. All the factors governing the ideological solidarity flow from Islamic inspiration, e.g., history, tradition, the common standard of right and wrong."

Begum Jahan Ara Shah Nawaz, speaking in the Constituent Assembly on October 13, 1953, pointed out, "We had told the world, crying from the house tops...... that we had a new ideology to give to the world...... that Islam is the panacea of many of the world's difficulties and problems of the day...... Now we must frame a constitution, which would pave the way for translating into action our ideology......"

Dr. Omar Hayat Malik, speaking in the Constituent Assembly on October 21, 1953, observed that there are two necessary qualities for an Ideology suited to Pakistan.

"Firstly, it should consist in practical solutions, rather than in theoretical speculation.

"Secondly, the constitution should lay more emphasis on building up for the future, than being involved in the petty considerations of the present."

Mr. Bhupendra Kumar Dutta, speaking in the Constituent Assembly on October 7, 1953, remarked that Pakistan is a federal State. It is not a unitary State. When a people desire union, but not unity among their constituent elements, they have to begin with adopting a federal constitution.

His exact words were:—

> "The co-existence of two rather inconsistent feelings is at the basis of all federations, namely, the desire for national unity, and the determination to maintain the independence of the separate States."

Mr. Dutta pointed out that in a federal State it is the supremacy of the constitution as exemplified by the division of executive, legislative, and judicial functions of the State, which brings and keeps together the constituent units. Further the authority of the courts to interpret the constitution is supreme. Thirdly the Provincial laws are subordinate to Federal Laws. That is why a federal State is only a success among those people (like the Germans and the Anglo-Saxons) who are by tradition law-abiding. They can subordinate all other interests to their respect for the constitution.

Mr. A. K. Brohi, speaking in the Constituent Assembly on October 23, 1953, explained that:—

"Constitutional law is the basic law, the fundamental law, every other law is derivated law. The constitutional law merely provides a mode and manner in which the sovereign power within the State can be distributed."

Mr. Kamini Kumar Dutta, speaking in the Constituent Assembly on April 16, 1952, remarked:—

"The State must prepare its constitution in such a way, and should give it such a shape which would tend to produce common patriotism, common standards of values, common willingness to make sacrifices for the common good, to find an ideal to which everyone can give his unstinted and equal devotion........

"Do separate electorates conform to this principle at all ? Will it lead to find an ideal to which everyone can give his unstinted and equal devotion?"

Mr. Dhirendra Nath Dutta, speaking in the Constituent Assembly on October 8, 1953, observed that it was not sufficient to have an ideology for a federal State which would bind together the separate units together.

This idelogy must be explained and narrated in a proper phraseology. Sometimes the incorrect use of words defeats the very purpose of the principles, which are supposed to be embodied and expressed by these words.

He gave the following quotation from John Tyler of Carolina:—

> "Hooks of fraud and tyranny are universally baited with melodious words........ As the servants of principals, they gain admission into the family, and thus acquire best opportunities of assassinating their masters ...."

Mr. Dutta was referring to the description of Islamic principles in terms of communal terminology: Supporters of separate electorates start with advocating the universal appeal of the humanitarian principles of Islam. But when it comes to the implementation of these principles, they propose such reactionary and narrow-minded institutions as for example separate electorates. This trick is played upon, with the help of a deceptive use of words and phrases.

Sardar Asadullah Jan Khan, speaking in the Constituent Assembly on October 8, 1953 asked the question: What is the purpose of working out any ideology for Pakistan? The purpose can only be to create a common centre for the unity of the State. If this common centre is coloured with the segregating and communal aspect of religion, the only result can be that those whose religion is different from the majority community, will not be united with, but separated from the State of Pakistan. "Religion cannot be a common centre of loyalty for a State where people professing different religions are its citizens."

Mr. Prem Hari Barma, speaking in the Constituent Assembly on October 10, 1952, said, "...... If you want to make Pakistan strong and prosperous, you must make all the sections of all religions of Pakistan work together whole-heartedly, and in co-operation with each other.

"But if there is going to be separate electorate, then the various sections of the citizens of Pakistan will work separately, and they will think in their own way and there will be no collaboration amongst them......"

Mr. Bhupendra Kumar Dutta pursued the same point in the Constituent Assembly on April 15, 1952, as follows:—

"...... It is ultimately in the interest of the solidarity of the State itself.

"If no sense of oneness is to be fostered, rather the worst form of obstacles is to be deliberately set up, if no political status for vast numbers is to be recognised, you keep the nation permanently divided......"

Mr. Dhirendra Nath Dutta, speaking in the Constituent Assembly on April 15, 1952, emphasised that joint electorate will create a feeling in the minorities that they belong to Pakistan, that they share in the administration of the country. If on the other hand a section of the citizens is denied this right, they will become a burden for the State, and they will not feel identity of interest with it.

Mr. Kamini Kumar Dutta, speaking in the Constituent Assembly on April 16, 1952, quoted the Ceylon Constitution Commission as follows:—

"There can be no hope of binding together the diverse elements of the population in realization of their common kinship, and an acknowledgement of common obligation to the country of which they are all citizens, as long as the system of communal representation with all its disintegrating influence, remains a distinctive feature of the Constitution."

Mr. Dharam Dass Motumal Varyani, speaking in the West Pakistan Assembly on August 4, 1956, expressed the view that the primary difficulty lying at the back of separate electorate is that it develops a conception patriotism under which the Muslims are in time and out of time accusing non-Muslim citizens of Pakistan of treachery and treason.

If joint electorate is adopted, the ideology lying at its bottom will discourage such a tendency, and no section of the population will unnecessarily accuse other citizens of treason.

Sardar Shaukat Hayat Khan, speaking in the Constituent Assembly on April 17, 1952, advocated that the ideology, which is adopted for Pakistan, should have the quality of strengthening the solidarity of the State and the nation.

Mian Mohammad Iftikhar-ud-Din said in the Constituent Assembly on October 22, 1953, that "there is no amount of sophistry which can prove that we have not declared that these minorities cannot be a part and parcel of our national life."

Mr. Kamini Kumar Dutta on October 10, 1953, stated in the Constituent Assembly that the Hindus desired political fusion with the Muslims. He said, "the Hindus feel confident that they are not backward." They are quite intelligent. They have studied politics for a long time. Therefore, at the cost of the sacrifice of their communal identity, they hope to gain advantage as common citizens of Pakistan.

Mr. Dhirendra Nath Dutta, speaking in the Constituent Assembly on April 9, 1952, answered the argument of Sardar Abdur Rab Nishtar that the minorities can only again fair representation under a system of separate electorate. He said that the minorities did not want to pursue their communal interests at the cost of the integrity of Pakistan.

Mr. Abdul Monem Khan speaking in the Constituent Assembly on October 24, 1953, gave a description of the universal aspect of the Islamic teachings, on which the ideology of Pakistan is founded. He said: "Islam is not only a perfect religion, it is also a perfect, polity and a complete Code of Life.

"It is the only order which in history has conquered race, colour, and class divisions, ordered man's individual and social life on a universal pattern; and realised in actual practice a real social democracy, a just economy, and a world brotherhood.

"It still can unite races of the East and the West, and get justice for all peoples of the world."

Mr. A. K. Brohi speaking in the Constituent Assembly on October 24, 1953, touched upon the international aspect of the Islamic ideology of Pakistan. "...... The idea is that first of all let us concentrate on our own peculiarities. Let us be powerful, strong, and stable in our own place; and when this job is done, then all the Muslim Republics can come up together, as the League of the Muslim Nations......

"...... It was this mood that set Iqbal agitating for the creation of Pakistan as a half-way house; and that half-way house is that for the time being let us establish a government which reflects this ideal, so that the Muslims are able to live the life which is expected of them: life of love, of justice, life of honesty, of decency, of fair play; not of hostility, not of antagonism.

"After-all even the non-Muslims are created by God. Those who are non-Muslims are also equally created by God. They are entitled to, and they have the same rights as we have."

Sardar Abdur Rab Nishtar speaking in the Constituent Assembly on October 26, 1953, agreed that the final goal of the ideology of Pakistan can be achieved only through joint electorate, but he pointed out that this final goal can only be reached after sometime. He cited an example:—

"Chicken is a good diet, but for a sick-man sometime it is fatal to take a chicken, and he is to be kept on some other diet. When he gets rid of the sickness, then he is able to take normal diet."

Thus Sardar Abdul Rab Nishtar was of the view that separate Electorate is a political sickness, which can only be got rid of after sometime. He further conceded that joint electorate is the normal political diet.

Syed Amir Hussain Shah speaking in the West Pakistan Assembly on August 2, 1956, ridiculed the contention of the supporters of separate electorate that, "in order to build up a strong and united nation, you must keep its people permanently divided into two or more sections."

He pointed out that Pakistan was not carved out as a cent per cent Muslim State, where no non-Muslim was to be permited to reside as a full citizen. On the other hand, Pakistan was demanded and achieved as a Muslim Homeland, where non-Muslims were to live on a reciprocal basis, just as Indian Mussalmans were to enjoy the full rights of citizenship in that country.

Mr. Kamini Kumar Dutta contended on April 16, 1952 in the Constituent Assembly that the ideology of Pakistan is democratic. Therefore, it is the equal democratic right of every citizen of the State to be enrolled in the joint electorate roll.

He quoted as follows from the Montagu-Chelmsford Reform of 1918:—

"The give and take which is the essence of political life is lacking. There is no inducement to the one side to forebear, or to the other to exert itself.

"The communal system stereotypes the existing relations.

"We regard the system of communal electorate, therefore, as a very serious hindrance to the development of the self-government principle."

Pir Elahi Bukhsh speaking in the West Pakistan Assembly on August 3, 1956, quoted the following extract from the Hilton Young Commission, appointed to report about the electorate system of British Kenya:—

"...... The communal system offers little room for political progress. While securing the representation of different interests, it does little to reconcile them.

"It tends rather to promote the election of men of extreme views who will emphasise the difference......

"...... The surest foundation for a stable constitution is a community of interests, rather than a nice adjustment of opposing forces......

"The determining consideration in a sound political system should not be the immediate interest of particular communities, but the ultimate good of the wholet erritory......The ideal to be aimed at is a common roll on an equal franchise, with no discrimination between races."

Mr. Kamini Kumar Dutta speaking in the Constituent Assembly on April 16, 1952, said:—

"Fragmentation of the electorate, fragmentation of the legislature, and of parliament; creating statutory minorities which will last for all time to come, cannot claim to be giving protection to the minority.

Mr. Ahmad E. E. Jaffar on October 10, 1953, observed in the Constituent Assembly:

"Democracy is no doubt a rule of majority, but the majority that does not even care to consult the minority is likely to cut a sore and permanently gaping wound in the body politic of the country........

"...... In an Islamic State there is no question of a majority's will. Certain principles take the place of the whims of majority, as to what they are to do to their minorities, and they have to follow those principles."

Mr. G. M. Syed speaking in the West Pakistan Assembly on 1st August, 1956, expressed the view that "separate electorate is undemocratic. It does not give equal rights to all citizens."

Mr. G. Allana on August 4, 1956, justified separate electorates in the West Pakistan Assembly on the ground that in no other countries of the world, except Pakistan, political parties are formed on the basis of a religious division, rather than social and economic programme.

Mr. Kamini Kumar Dutta argued in the Constituent Assembly on April 19, 1952, that separate electorates will create communal divisions within the Parliament, that "it would really cut at the root of" sound and broad-based political parties enjoying support in all parts of the country. He sarcastically expressed surprised that perhaps "it is the object of those in power now to continue to retain their power, by making the progressive forces weaker and inept........"

Professor Rajkumar Chakraverty on October 9, 1953, declared in the Constituent Assembly "We do not want to elect our communal or sectarian representations. We want to elect best representatives; whether they belong to this community or that community, that is the democracy by which we swear......"

Mr. Madhavji Dharisbhai on August 4, 1956, speaking in the West pakistan assembly contended that separate electorate could not be advocated on the plea that only Muslim Leaguers—or even Muslims by themselves—had achieved Pakistan. He reminded that it was the concurrence of Congressmen and Hindus like M. C. Rajgopalacharya which had finally cleared the way for the establishment of Pakistan. Mr. Madhavji revealed that he himself, and many others like him had supported the

the stand of Mr. Rajgopalacharya within the Congress camp. He also referred to the Referendum in the district of Sylhet, where "Muslims were not in absolute majority. There, quite a number of non-Muslims voted to accede with Pakistan......"

Mr. Sris Chandar Chattopadhyaya on October 24, 1953, pleaded in the Constituent Assembly that Pakistan had come into existence under the British plan of 3 June 1947. There were two parties to the agreement which implemented that plan. The Indian National Congress entered into a contract with the All India Muslim League. One of the conditions of that contract was that the minorities shall enjoy the status of equal citizens in both the dominions. Quaid-e-Azam in carrying out that contract declared on August 11, 1947, that "in Pakistan there will be no Muslims, no Hindus no Christians—that religion is a personal thing......" He was a man of his word. He knew the scheme, and therefore, ... he said that this will be a national modern State...... It was a composite nation......"

Mian Iftikharuddin on October 22, 1953, reminded the Constituent Assembly that Quaid-i-Millat while moving the Objectives Resolution in the House had very eloquently explained that Pakistan was going to give not only itself, but to the whole world, a new form of perfect democracy, which would not be sham but a solid reality.

The Mian claimed that this promise by the Quaid-i-Millat was understood by him to imply that "it would be a democracy which would not only give to people the right to live freely, but also create conditions for them to vote freely......"

Mr. Bhupendra Kumar Dutta on October 7, 1953, proclaimed in the Constituent Assembly that "the Islamic State idea is incapable of being grafted on the parliamentary system of government, based on the Sovereignty of the people......"

Maulvi Ebraheem Khan while replying in the Constituent Assembly to Mr. Bhupendra Kumar's above mentioned challenge quoted Dr. Muhammad Iqbal as follows:—

> "The Republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world of Islam."

He also quoted the great Muslim philosopher Ibne-Rushd as follows:—

"The tyrant is he who rules for himself and not for the people."

Sardar Abdur Rab Nishtar on October 26, 1953, argued in the Constituent Assembly that it was an accepted postulate of modern democracy that "the economy of the country and its polity everywhere is based on the ideology of the majority," In 1937, Mr. Gandhi had asked the Congress Ministries to emulate the administration of Ha rat Abu Bakr and Omar. "Therefore in asking the minorities to help to set up a State and a society which is based on ...... the ideology of Hazrat Abu Bakr and Hazrat Omar, no more is being demanded of the Hindus than what Mr. Gandhi had demanded at the time the Congress was at the zenith of its power in 1937.

"If the Penal Code, or certain sections of the.................... Evidence Act are adjusted to Islamic principles, what is the objection? Does your present Penal Code, or Evidence Act or other laws emanate from Hindu law, that you consider it (Islamic Law) as interference with your religion?

"My friends should not have any misapprehension on the basis of a saying of a Mullah here, or a Maulvi there. Such type of people you find everywhere. They are mostly people who are not learned in the real sense of the term......

"Please do not judge us by today's conduct...... Today we do not behave according to the dictates of Islam, that is correct. Let us be frank and admit that it is absolutely correct. But if we are not acting today according to our ideals, it is all the more necessary to have something in the Constitution to make us behave according to the principles which are laid down by the Quran and the Sunnah.

"This will help you. This will help us. This will help our society. We want to establish a social order, which should be put forward as a model before the world......"

Mr. A. K. Brohi on 23 October, 1953, told the Constituent Assembly that—

"Islam is international in outlook. In fact the word 'international' does not convey precisely what the outlook of Islam is. Islam is 'super-national'."

Then he gave the following quotation from Professor Arberry's translation of Iqbal's "Mysteries of Selflessness:—

> "Every Muslim nation must sink into her own deeper self temporarily, focus her vision on herself alone; until all are strong and powerful; to form a living family of Republics......"

> "It seems to me that God is slowly bringing home to us the truth that Islam is neither nationalism; nor Imperalism; but a League of Nations; which recognises the artificial boundaries and racial distinctions for facility of reference only; and not for restricting the social horizon of its members........"

Mr. Brohi himself commented "Even the law of God as it stands revealed, has to be understood by man, who is the understander thereof .... There are Muslim scholars who say that it has to be re-revealed to each follower of Prophet Mohammad (peace be on him)".

. Syed Amir Hussain Shah (M.L.A. from Gujrat) speaking in the West Pakistan Assembly August 2, 1956, said:—

"How are you to build up a strong and united nation, if you divide the people into several sections? How can you build up a common nationhood, if you give the minorities the permanent feeling that they are inferior citizens of the State? By inculcating this inferiority complex in them, you will deliberately undermine their loyalty......

Mr. Kamini Kumar Dutta on October 10, 1953 opposed separate electorate in the Constituent Assembly by arguing that Pakistan is claimed to be a democratic State. "Democracy means where the voice of people predominates—not where the ruling power in a particular class of society predominates".

Mr. Dhirendra Nath Dutta pointed out in the Constituent Assembly on April 15, 1953 :—

"Unless there is a common electorate and if the members are not elected by all citizens of the country, there will be a single party administration; it is no other than a totalitarian State......"

Mr. Abdul Kasem Khan pursued the same point from another angle in the Constituent Assembly on October 21, 1953:—

"After all, what is democracy ? It is the expression of the sovereign will of the people.

"If you put fetters on their will of exercising their sovereign right of choosing their representatives...... you are cutting the very roots of democracy......"

He further explained that ideology is not merely a question of abstract notions, conceptions, and theories. Fundamentally it is an issue of changing for better the actual living conditions of the people:—

> "The people will not be satisfied, if we fail in securing for them the substance of Islam, the substance of freedom, the substance of existence, without which it would be futile for us to expect that we can offer them an ideology which is better than capitalism on the one hand, and communism on the other......"

Mr. Bhupendra Kumar Dutta on October 7, 1953, concluding his speech before the Constituent Assembly touched upon the economic aspect of the ideology on which Pakistan can develop.

First, he pointed out how the need of the hour is a co-operative economy of small autonomous units, as contrasted with the giant individual or corporation monopolies of capitalism, and the State industrial capitalism of communism:—

> "The two world wars, we have seen, while they have increased the potentiality for production, they have also shattered the social structure and the moral framework of Mankind as a whole.
>
> "The prevailing capitalist economy is in its death-throes. And with it, the days of parliamentary democracies, of all forms and shapes—where, in fact, the propertied minorities rule—are also numbered.

"World economy in its normal course of development would have found salvage in communism—communism as such, and not as it is in practice anywhere in the world.

He pointed out that to a very large extent it depends upon the constitutional structure of Pakistan, what particular economic tendencies are developed in our society:—

"The inexorable logic of the situation brings to the maximum decentralisation of political power, simultaneously with decentralised economy, based on the maximum distribution of productive power —generated often in large and necessarily somewhat centralised power plants.'

"...... That may come to mean a large unit in some cases; or a federation of several units, in others; and a sort of co-operative guild in still others.

"...... The constitution which is to supply the political counterpart to that form of economy, must be on the basis of the self-ruling, co-operative village, urban and factory communities.

"On that solid foundation will have to be built up the hierarchy of the State Structure, it being merely of theoretical importance, as to who surrenders the power to whom."

Next he argued that in such a constitution, where functional efficiency will be the primary concern of both rulers as well as the ruled, little scope will be left for separate electorate, or communal and provincial claims on the system of franchise:—

"That new model of a constitution will do away with all this fissiparious wrangling over Provincial and communal claims, and make our indigent people look up to a day of work, employment, and prosperity."

Mr. Nurul Amin emphasised the Islamic quality of the future ideology of Pakistan while speaking in the Constituent Assembly on October 19, 1953:—

"...... There is certainly in Islam a hidden panacea for all the ills that the world is now suffering from ......

"...... While the entire globe has been divided into two camps—capitalism and godless communism—Islam is a via-media, and a golden via-media, which must be adopted by all the people of the world, and if we can show this to the world, and if we can prove that Islam does contain such ingredients; I have no doubt in my mind that in no time, this ideology will be accepted by various other countries.

"Islam is the only ideology which makes no distinction between man and man, which has given equal status to the women, which was denied for long to the half of the human population.

"Islam has done justice to all the citizens, irrespective of their religion, of their creed, of their class, whether they were conquerors or the conquered......"

Mr. Nurul Amin very frankly confessed that Muslim Leaguers are not the type of Muslims who can convince non-Muslims of the high virtues of Islam:—

"We are now a sort of *Nim-Mussalman*. It reminds me of one of the stories written by Ghalib...... Mirza Sahib was called by one Colonel Brown (after the Revolt of 1857 when Muslims were being oppressed). He went there with a Sola hat on.

"He was asked, 'Are you a Muslim?' He replied, 'Half, Sir'. Then Colonel Brown asked, 'How can you be a half Muslim?' He said, 'Sir, I take wine, but not bacon.' That was the reply. The Colonel was highly pleased, and he was let off.

"So we have become 'Half-Mussalmans'. Therefore, all the ideals of Islam, and all the duties about which we speak from the platform have become a sort of red rag to us. It may take 10, 20 or 50 years before we reach our goal, but the goal must be set."

Sardar Abdur Rab Nishtar, speaking in the Constituent Assembly on October 26, 1953, said:—

"Now what are the principles of Quran? They emphasise the Dignity of a human being, as such. He is above every creature. He is required to worship only one God, and nobody else.

"They emphasise the Equality of man, and abolish all class, colour, or racial distinctions........

"...... They are intended to emancipate women........"

While Mr. Nurul Amin had praised the Islamic principles, and while Sadrar Abdur Rab Nishtar had mentioned some details of these very Islamic principles, it was Mr. Ahmad E. H. Jaffer who in the Constituent Assembly on October 13, 1953, pointed out that the very nobility and the catholicity of Islamic principles implied that they were not to be enforced down the throat of non-Muslim citizens by segregating them under a system of separate electorate:—

"We are framing the Constitution of our State, We are not framing only a code of conduct for the people of one particular faith or religion; but we are trying to perform a limited function; and that is, to ensure a good government, for our future generations, and posterity......

"...... It is my duty, nay it is a mandate on me to do nothing which will revolt against the principles of Islam, but I must assure myself that the more vocal out-bursts of my attempt to follow Islam, do not create tremblings into the minds of my non-Muslim neighbour, that he will be swamped away in the shrill noise.

"I must therefore, look to the problem from the point of view of the mischief that my efforts, howsoever honest, are likely to create."

Mr. Jaffer referred to the speech of the Quaid-i-Azam on August 11, 1947, and inferred that as the founder of the State, the Quaid-i-Azam was the best judge to select the system of electorate, which is most suited to the conditions in Pakistan.

Mr. Abul Qasem Khan emphasised the same point on October 22, 1953, in the Constituent Assembly:—

"Islam lays a very great stress on the equality of man, and brotherhood of man; and that is the new Gospel that Islam gave to the world, when our Holy Prophet came with a great message for the backward people of the time......

"...... There is a good-deal of dogmatism and ritualism in our midst now. But Islam does not encourage that, Islam does not also

encourage a Clerical Order to act as intermediary between man and his Creator.

"So also theocracy is unknown to Islam.

"The responsibility of the individual has been very much stressed in Islam. So we are not going to discriminate against our minorities."

Mr. Dhirendra Nath Dutta, speaking in the Constituent Assembly on April 19, 1952, said:—

"We do not believe that a political party can be based on religion. It should be based on ideology and economic considerations.

"If the political parties are not based on these two things, the country cannot develop.

"Therefore, I feel—and I feel strongly—that there should be joint electorate. If there is joint electorate, immediately the political parties will be based on ideology and economic considerations."

Mr. Kamini Kumar Dutta, speaking in the Constituent Assembly on April 19, 1952, pleaded that in the industrial age, separate electorate has got no *locus standi*. "In East Bengal, fortunately the caste system is vanishing altogether. As a result of the industrial evolution, which is going to take place, the caste system will be given a decent burial. I will not speak about the reactions of my friends, the Muslims. I think, to them I can say this, that with the coming industrial era, you have to give a decent burial to communalism, for all times to come."

Mr. Bhabesh Chandra Nandy, speaking in the Constituent Assembly on April 16, 1952, said:—

"The entire political life will be patterned on a communal frame, and one can imagine how the total and indivisible love for Pakistan will be split into communal and compartmental patriotism....

"So unconsciously, as a result of this political separation into separate electorate, the groups will be crystallised into separate units, so much so that differences will grow up in social life and cultural life as well......

"...... If you separate them into separate political units, they will think about their political interests separately, and in course of time in all spheres of life a separatism will develop......"

Mr. Sris Chandra Chattopadhyaya speaking in the Constituent Assembly on April 19, 1952, and again on October 24, 1953, emphasised that separate electorates smell of the *aparthied* policy of Dr. Malan, the South African Premier. Pakistan has been opposing Dr. Malan in the United Nations for his segregating the coloured people from the white population. Now that Pakistan is segregating its own citizens on the basis of religion, no point will be left in opposing segregation on the basis of colour.

Mr. A. K. Brohi speaking in the Constituent Assembly on October 23, 1953, gave the following quotation from Dr. Mohammad Iqbal:—

> "Believe me, Europe today is the greatest hindrance in the way of Man's ethical advancement.
>
> "The Muslim on the other hand, is in possession of these ultimate ideals on the basis of a Revelation, which speaking from the inmost depths of Life, internationalises its own purpose......
>
> "...... In view of the basic idea of Islam that there can be no further Revelation binding on man, we ought to be spiritually one of the most emancipated people on earth.
>
> "Early Muslims, emerging out of the spiritual slavery of pre-Islamic Asia, were not in a position to realise the true significance of this basic idea.
>
> "Let the Muslim of today appreciate his position, reconsider his social life in the light of the ultimate principles, and evolve out of the hitherto partially revealed purpose of Islam, that Spiritual Democracy which is the ultimate aim of Islam."

Dr. Omar Hayat Malik speaking in the Constituent Assembly on October 21, 1953, explained how the democratic ideal of Islam can be implemented in actual social life:—

"Why has religion become fossilized?

"Religion all over the world has become a phenomenon, in the sense that religion comes with a Prophet and a Book. Then the Prophet passes away and the Book is commented upon.

"When the commentaries are commented upon, there are new commentaries and so on, until in the end people forget the original source and get welded and adapted so much to the commentaries, that they forget the real source.

"That is why a religion gets fossilized.

"The same process happened in Christianity. The same phenomenon appeared in Budhism. And perhaps, if I may say respectfully, the same thing took place in the case of Hinduism. And the same process has occurred in Islam for hundred of years.

"Now "Ijtihad" has been banned, and a class of people have arisen who think that ijtihad is sinful. We must adapt the interpretations which we made several hundred years ago......

"Islam claims that it is for all times and for all places. This is a very good and big claim. No other religion in the world has claimed it, but Islam claims it, and we believe it.

"...... How is it possible to imagine that a religion can adapt itself to the requirements of all times and of all places, without a continuous process of interpretation and re-interpretation ? I do not think it is possible.

"If we want to make Islam live, we must have Ijtihad".

Mian Mohammad Iftikharuddin, speaking in the Constituent Assembly on October 22, 1953, pointed out the contradiction in claiming, on the one hand that Pakistan is a separate nation from Afghanistan and Iran, because we are a separate State; and on the other hand, at the same time refusing to accept the non-Muslim regular inhabitants of Pakistan, as equal citizens in all respects.

"On the one hand you say: Muslims of the world are One Nation; on the other, you put such definitions in practice of nationhood, that it is impossible for any Muslim or non-Muslim progressive State to co-operate with you."

Mr. Bhabesh Chandra Nandy, speaking in the Constituent Assembly on April 19, 1953, said:—

"When you find many of our friends never go to mosques, never offer prayers; but as soon as they become Ministers or Governors, they go to shrines bare-footed and start talking of piety in the name of Islam, what opinion should be formed of them?"

"If I say that my grandfather was a pious man, does it cover the mischief and misdeeds, that I commit every day?

"The noble principles of Islam are a different thing, but acting upon them is a different thing.

"Those protagonists and those stalwarts who do everything in the name of Islam; I doubt very much, if they mean anything good to the society: to the people; or to the State; or even to themselves.

"I am constrained to remark, they make their religion a political instrument to achieve and to satisfy their own purpose, to achieve their own ends".

Mr. Janendra Chandra Majumdar, speaking in the Constituent Assembly on October 22, 1953, said:—

"We understand what connotes democracy, modern and Western parliamentary democracy; democracies of the English, French or American variety. They are living examples. We are aware of the working of these democracies.

"But as regards Islamic democracy, where are the living examples?"

Mr. Shahood-ul-Haque, speaking in the Constituent Assembly on October 24, 1953, remarked:—

"...... The authors of the Report hope to make us, the present-day so-called Muslims, as true Muslims; by legislation.

"If legislation could turn out 'true Muslims', as coins by a mint; then the offence of murder for which the law of the land provides capital

punishment, would have vanished from the day. Shooting at sight for the smugglers of the border area would have stopped smuggling.

"You cannot reform people by legislation merely. Quite different a method is necessary."

Mr. Bhabesh Chandra Nandy speaking in the Constituent Assembly on October 19, 1953, observed:—

"They forget that the people of the whole State are much wiser and varied than what the present-day Muslim League can envisage."

Mr. Jnanendra Chandra Majumdar on October 23, 1953 objected in the Constituent Assembly to the following remarks of Mr. Nurul Amin:—

"Constitution-making is the responsibility of the Muslim League. They have brought Pakistan from a dreamland to the land of reality; and they are bound to give the country a constitution of their own ideology".

Mr. Sris Chandra Chattopadhyaya peaking in the Constituent Assembly on October 2, 1953, said:—

"When the scheme of 3 June, 1947, was accepted, practically the Two-Nation theory was given up.... accepting that Pakistan will be in that area where the Muslims will be in majority, and in that State there will be non-Muslims also. It will be a composite State.

"It was not on the ground of Two-Nation theory that India was divided.

"Therefore, some places were carved out where Muslims were in majority; and some places for non-Muslims, where they were in majority.

"As soon as you accepted that scheme, it became the State of the people, irrespective of class, creed or religion.

"It, therefore, became the State of everybody, whoever may be the citizens within that area........

"...... Pakistan was not obtained by the Muslim League. Pakistan was obtained as a result of an agreement. It was a free gift by the

Congress. But for that agreement, Pakistan would have been nowhere ...."

A careful study of the foregoing arguments in favour of, and against, joint electorate, from the point of view of ideology on which Pakistan is founded, is sufficient to convince that much confusion prevails concerning the fundamental ideology of Pakistan.

The basic clash appears to be among three points of view:

(1) On the one hand, there are those who emphasise the universal and eternal Islamic values. They say that the universal Islamic fraternity is the primary object of the Movement which achieved Pakistan. Therefore, it is necessary to preserve and promote the distinction between Muslims and non-Muslims at any cost. Separate electorates, are the most powerful and effective method by which the separatist and communal spirit of the Muslims can be afeguarded and developed. The implications of the argument of this school of thought lead to the proposition that non-Muslim inhabitants of Pakistan should be suppressed to the status of inferior citizens. Pakistan as a State, should pay more attention to strengthening its political bonds with the Muslims living in the other countries of the world. Less attention should be paid to the cultivation of the goodwill of the minorities in Pakistan.

2. The opposite extreme view is that Pakistan is an "epi-product" of the movement for the liberation of the people of the sub-continent; Islam as such has no special claim on the State of Pakistan. Pakistan was created as a result of the compromise between the two major political parties: The Indian National Congress, and the Muslim League. The primary object of both the parties was the achievement of independence for their respective communities, and Homelands. It is true that prior to partition Muslim League used to advocate the Two-Nation theory, and at one stage the Quaid-i-Azam also claimed a corridor to link the two-far flung parts of the Muslim homeland. But in accepting the June 3, plan the Quaid-i-Azam and the Muslim League both bowed down before the inevitable. The Two-Nation theory was given up. The idea of the "Muslim Homeland" was converted into a new conception of the "two Dominions", in each of which either community enjoyed a majority; but at the same time conceded the right of equal citizenship, and equal political opportunity to the minority inhabiting its area. It should not be forgotten

that the partition of the Sub-continent was agreed upon under a compromise. In this compromise the Indian National Congress gave up its plea of "Akhand Bharat". It had to accept the conception of "two Indias". On the other hand, the Muslim League also had to give up the Two-Nation theory, and in return accepted the compromise that both the Dominions will be "composite National States".

3. The third view, is a compromise between the above two extreme positions. It starts with the proposition that leaving aside the dead past, and abstract theoretical controversies which do not today serve any useful purpose, the only solid and objective fact around which we can build up a positive and constructive ideology for Pakistan is that Pakistan has been achieved, and it has come to stay. It is no use digging up the dead past or pursuing the conflicts of yesterday into the distant future. Protagonists of this view, begin with the necessity of preserving the integrity and solidarity of Pakistan. They argue that the solidarity and integrity of Pakistan will suffer if the Islamic inspiration which culminated in the achievement of this State is wholly denied. On the other hand, they also confess that if the Islamic elements in the State are exaggerated to an extent where the loyalties of the non-Muslims are irretriveably violated; the presence of a large number of sullen minorities, and the international repercussions of such a fanatical and crazy stand, will also harm the security, the integrity and solidarity of Pakistan.

Therefore, this third school of thought concedes that the inception of Pakistan originated in the Islamic inspiration for a universal Islamic State founded on the Brotherhood of Man and the Finalty of Prophethood; but they also admit that the present-day world situation—as indeed the political consciousness and organization of the Muslims all over the world itself—is not ripe for the immediate establishment of the Islamic universal State, in which the criteria for citizenship will be simply faith in the Unity of the universal and uniform Reality (Tauheed), and the Finalty of Prophethood (Risalat). At present even the personal faith and the character of the overwhelming majority of Muslim themselves does not come up to that ultimate ideal.

Before we make our choice from amongst these three basic tendencies of thought regarding the fundamental ideology of Pakistan, or attempt a reconciliation among them, in the form of a fourth composite, or new theory, we have to determine the exact connotation and the denotation

of the following terms that are loosely used in this discussion, but whose meaning is not properly defined and fixed :—

Islam—What are the basic Islamic values which inspired the Pakistan Movement, and which are claimed to have been preserved through separate electorates?

State—What is exactly the structure, the spirit, and the elements of the State whose security, solidarity, and integrity is to be guaranteed by means of joint electorate ? And what is the role of electorate in a parliamentary State? In what sense, do we want to make Pakistan a democratic State? Why should democracy be desired in Pakistan? Is democracy a means to the end, that is Pakistan; or is Pakistan a means for the end, that is democracy? Is there a third common quotient through which 'Pakistan' and 'Democracy' can both be reduced to a more Fundamental conception of value?

Progress, Prosperity and Development:—Is there any concrete and agreed meaning behind these three words, which is to be expressed and achieved through adopting a fundamental ideology for Pakistan?

Religion versus Philosopy: What is going to be our method, approach, and technique in fixing the meaning of the above-mentioned terms?

Is it going to be Faith ?

Is it going to be Reason?

Public opinion in our country, as in other countries, is the product of the stream of history, and the past experiences of the people, through which they have lived, as well as of the operation of those intellectual faculties which have been cultivated and stimulated through modern education. The people are a collectivity of the individuals. The individual personality is a mixture of conceptions and convictions. Convictions are a matter of instinct, sentiment, tradition, and habit. Conceptions are fed by scientific study, experiment—the whole attitude being conditioned by an unprejudiced and rational approach.

The novel issues raised by these conclusions and their far-reaching implications, justify that the next chapter should be reserved for their separate and thorough study.

This is also necessary because I find that most of the one dozen sub-heads under which the ten years of grand debate on the electorate issue have been studied in the previous two chapters, are on analysis now reducing themselves to the ideological issue.

In the next Chapter we shall study: what are the historical and intellectual elements of the complex issue that has come to be mentioned as the ideological issue in Pakistan?

Is ideology something fixed and everlasting? Is it wholly a product of the environment and the prevailing circumstances, through which a generation has to seek its destiny? Are there any permanent values which condition a people's ideological outlook?

(4) Gulf between two Pakistans

The argument pertaining to the possibilities of, and the dangers to, the relationship between the two wings of Pakistan has been used for sponsoring two contradictory propositions concerning the electorate issue.

The advocates of separate electorates argue that there is only one fragile link between the two Pakistans: the religious identity of the majority population, as exhibited in the joint struggle for the liberation of the Muslim Homelands. If this link is to be preserved between the two Pakistans, it is necessary that public life should continue to be dominated by a spirit of communalism. If joint electorate is introduced, the result will be that other issues like the economic issue, or the various social issues will begin to compete with the present monopoly of the religious question on the minds of the majority of pious Muslims. Such a state of affairs may not be of consequences in West Pakistan, where the numbers of the minority are insignificant. But in East Pakistan where there is a substantial minority population, if even a chink of the majority starts conducting its political activities in terms of secular values, the logical result will be that there will be a fusion between the non-Muslim and Muslim votaries of the various secular political programmes. This, in turn, will lead to a situation in which the material interests of East and West Bengal may be nearer, than the common interests of East and West Pakistan. Thus separate electorates are a vital necessity, if the integrity of the two zones of Pakistan is to be preserved in the form of one State.

The supporters of joint electorate, on the contrary, point out that the geographical distance and barriers between the two zones of Pakistan

have resulted in distinct characteristics. Historically, technilogically, economically, culturally and socially the population in the two zones does not present identical factors. Even politically East Pakistan came into direct contact with the Western civilisation, and its scientific approach to problems, a century earlier than West Pakistan. Therefore, it is misleading to proceed on the supposition that the differences between the two wings of Pakistan are confined to the members of the minority population in each. Nor is it correct that the religious solidarity alone will be able to overcome all the differences between the two constituent units of the country. It is true that it was the "transcending unity of purpose," which brought together the two Pakistans into a common struggle for the liberation of the Muslim Homelands, but the transcending unity of purpose can only be preserved and promoted in future, if it does not too much violate the sense of material disparity in the condition of the two Provinces of the Islamic Republic. Indeed it was as a concession to this platitude, that Pakistan's constitution is Federal, rather than Unitary. It is axiomatic that in a federal state, regional, autonomy is the foundation on which the structure of the federal union is raised. It would be a mistake to seek the solidarity of Pakistan by way of the domination of Karachi over the Eastern Province. As Maulvi Fazlul Haq observed humourously "The centre lies on the circumference". Mian Iftikharuddin has pursued the same line of reasoning, by pointing out that centralisation does not always necessarily lead to national unity. If it were so, then the suppression of local self-government in District Boards should have been helpful towards the consolidation of Provincial administration. But it is otherwise.

True that Pakistan has come into existence on the basis of the transcending unity of Islamic purpose, which is common between the two Provinces of Pakistan. But the destiny of Islam is universal and world-wide. It cannot be achieved in any one Muslim country, just as the experiment of Communism would have failed if it had not advanced over a vast area, and in a number of states. The universal Islamic State will also accomplish its purpose only when its design is equal to its world-wide ambition. If the federation of the Islamic Republic of Pakistan is to stretch to its natural frontiers by the inclusion of other Muslim States, it is necessary that the domination of the Centre over the Units should not be too overbearing and prohibitive.

Once it is realised that regional autonomy is a condition precedent for the solidarity and the integrity of the State of Pakistan, the fallacy of the

ridiculous proposition that the population of the Eastern Wing must be split into secularly antagonistic communal camps, in order to preserve the over all religious fraternity of the Muslim majority in the State, becomes only too obvious.

The above analysis of the case of both the parties leaves no doubt that, whether or not, one or the other kind of electorate will bring together, or split away the two Provinces of Pakistan, depends upon how we define the "transcending purpose of Islam", which united the struggle for the liberation of the two Muslim Homelands; as well as, what is going to be the exact programme of secular political co-operation between the minority and the majority in East Pakistan.

Is it reasonable to expect that as soon as the minority and the majority communities learn to co-operate politically, the very first item on their agenda will be to obliterate partition? Have the Muslims nothing to contribute to the secular prosperity, progress, and the development of the population as a whole? Was the traditional conflict between the Muslims and Hindus in Bengal, which goes back to the beginning of the century, confined to religious doctrines?

These and some other collateral issues like the distribution of the minority population in the constituencies of East Pakistan, which will determine the number of respective communal representatives likely to be returned under the two systems of electorates, pertain to facts and issues, which strictly speaking, go beyond the sub-head under consideration.

It appears that the impact of the system of electorate on the relationship between the two wings of Pakistan also ultimately depends upon ideological considerations. We shall pick up the threads of this discussion in the next chapter when we are dealing with the ideological implications of this aspect.

(5) Interest of Minorities

We have seen that one of the arguments advanced by the partisans of separate electorates was that under joint electorate the interests of the minorities in Pakistan cannot be fully protected. They said it was not as a favour to the majority community, that separate electorate was being asked for. If the majority community wanted to misuse its predominant position,

it could even arrange that in joint constituencies the distribution of population should be manoeuvred in such a way that not a single representative of the minorities would be returned to the House.

They claimed that their advocacy of separate electorates was motivated by a sincere loyalty to democratic principles, and a genuine anxiety to secure proper representation for the minorities. They did not want minority representatives in the House, who would be stooges of the majority community.

According to their view the minority's clamour for joint electorate was due to the failure to realise their own true interests. They were suffering from a hang-over of the pre-Partition Congress obsession with joint electorate.

If joint electorates were conceded to the minorities, it will destroy their identity. The majority community could not bow to a demand of the minority, which will ultimately harm the minorities themselves. It is the majority which is the custodian of the interests of the minorities, even against the misconception of the minorities themselves.

The advocates of joint electorate while replying to this argument accused their opponents of hypocrisy. They said the Muslim Leaguers talk with their tongues in cheeks, when they claim to be better well-wishers of the Hindus than the Hindu themselves. One Muslim member said that it was a "White man's burden" attitude, which the European imperialists used to betray when denying self-government to colonial natives.

The supporters of joint electorate argued that the minorities are the best judges of their own interests. Besides it does not matter, what community succeeds in sending how many representatives to the Parliament or a Provincial Assembly. The election of parliamentary representatives is merely a method for securing the economic, political and social interests of the voters. How could the minorities safeguard their interests, if they were given a fixed number of seats inside the House, and the political parties in the country were organised on communal lines, so that the minority representatives inside the parliamentary institutions are segregated and isolated from the constitutional parliamentary majority ?

Parliamentary institutions are primarily concerned with the secular well-being of the country. They are not concerned with theological

issues. What good would it do to the Hindus, if their parliamentary representatives can never hope to share political power? It would be better for the non-Muslims, if they lose a few parliamentary seats, and in return secure a say in the election of almost all the members of the House. Even members from a Muslim majority constituency will have to seek the votes of their non-Muslim electors. The result will be that non-Muslims will not be looked down upon. They will be given equal political treatment. They will not be contemputously accused of disloyalty to Pakistan.

Moreover, the non-Muslim members of parliament urged that the Muslim Leaguers should be consistent in their support for separate electorate, and opposition to joint electorate. If the principle is that the majority and the minority communities should have no say in the election of each other's parliamentary representatives, then the Muslim members of Parliament should not thrust separate electorates on the different sections of the minorities against their will. If, on the other hand, the Muslims claim to be better judges of the interests of the Hindus, than the Hindus themselves, in that case, they should have no hesitation in extending the benefit of their benevolence to all the Hindu constituencies i.e., accept joint electorate. It is logically contradictory for the Muslims to force their advice upon the minorities in Parliament, and at the same time refuse to vote jointly in the constituencies that elect members of the parliamentary institutions.

The representatives of the minorities further claim that the system of electorate has a far-reaching influence on the political mentality and the social conditions that prevail in a particular State. Under separate electorates the minorities are excluded from the main political currents which control the State. The result is that their personality is frustrated, they lose self-respect, they become victims of an inferiority complex. On the one hand they have to be loyal to the State and profess patriotism. On the other, on each step they get the feeling that they are not accepted as equal citizens of the State.

The above analysis of the arguments from both sides under this subhead shows that whether or not either system of electorate has any preference for safeguarding the interests of the minorities, depends upon what political ideology the minorities develop, and what particular ideology inspires the politics of the majority community. Thus even this subhead surrenders its ultimate issues to the next chapter.

(6) **Tilting the Balance**

The particular argument under this sub-head advanced by the supporters of separate electorates was first circulated by one Mr. Chaudhri in the form of a few typed copies of his thesis. The Muslim League took some notice of its startling and alarming possibilities. But it has been the Jamaat-i-Islami which fully identified itself with his argument.

However, as the advocates of joint electorate have pointed out, the whole argument is founded on a series of fallacies:

First the statistics are not reliable, nor up-to-date. Perhaps they drew their inspiration from the 1951 Census. But it is now admitted on all sides that the Hindu population, and particularly the Caste Hindu population, has greatly decreased during the last seven years.

Then all the different non-Muslim communities, such as the Hindus, the Scheduled Castes, the Christians, the Budhists, etc., have been lumped together in a way, which is more reminiscient of securing points in a High School debate, than any responsible political thesis.

On the top of everything else, two queer presumptions provide the base on which the whole structure of fear and panic has been erected.

Presumption number one is that the Muslim-vote will be split up into numerous political groups, but the Hindu-vote will organise itself into one solid bloc.

Presumption number two, is that all the non-Muslim women will attend the polling booths, and exercise their vote in full, again without any political dissensions. But the Muslim women will never vote beyond the percentage fixed for them by the Jamaat-i-Islami.

The weaker parts of the argument are too much self-exposed, to require any comment. However, one aspect of this argument is remarkable. It is that the non-Muslims are capable of raising political, social and economic issues which will split the Muslim vote by their attraction. But according to Jamaat-i-Islami, the Muslims are ideologically so impotent and barren that they cannot include in their political manifesto any issue whatsoever, which will attract any sections of the minorities, including the down-trodden Scheduled Castes and other backward non-Muslims who *prima facie* should be hungering for a political lead from the majority community to emancipate themselves from the misery and the depth where they have been suffering since ages.

It is indeed a very uncomplimentary view of the merits of the Islamic teachings, particularly when it comes from a political party which claims to enjoy a monopoly of the true interpretation of Islam.

(7) Hindu Choice not in Muslim interest

The argument is that the minorities should have no choice in the system of electorate that is to be adopted in Pakistan. Indeed, whatever the minorities demand, should *ipso facto* be considered against the interests of Pakistan. In other words, there is an inherent clash between the interests of the Muslim citizens and non-Muslim residents of Pakistan. This argument resulted in very strong and spirited rejoinders, both from the Muslim as well as the non-Muslim supporters of joint electorate.

Mian Mohammad Shafi, a member of the West Pakistan Assembly, pointed out that it was the Jamaat-i-Islami which was foremost in making use of this argument in favour of separate electorate. He said, was it not an irony of fate that the Jamaat-i-Islami, who now wants that non-Muslims should be denied even the status of equal citizenship, before partition was against the very conception of Pakistan.

Had there been no Pakistan, had there been no separate Homeland of Muslims, how could these gentlemen advocate separate electorates in a united India? It appears they are making a virtue of necessity, in the hope that they will be able to win the favour of a communal electorate by such fanatical slogans.

Several supporters of joint electorate attacked the contention of the Muslim Leaguers, that because Pakistan was achieved through the efforts of the Muslim League, therefore, the Muslim League alone has the right to lay down the constitution of Pakistan. They said the Muslim League played its part in the establishment of Pakistan, because at the time it was a popular representative body of the Indian Mussalmans. It has now ceased to be even a regular and a democratic political organization. Every Muslim League leader has his own peculiar sub-circle of favourities and followers.

In the circumstances when the Leaguers plead that non-Muslims should not have any choice as far as the system of electorate is concerned, in fact their game is that by arousing the sentiments of the rank and file the

leaders should dominate the Muslim League; the Muslim League should domineer the Muslim community; and so communal politics should perpetually enable the leaders to hold sway in Pakistan.

The whole Muslim League politics is clouded by insincere and hypocritical pretentions. To the international circles they plead that they are true democrats. To the ignorant Muslim masses they talk in terms of the Muslim conquerors who invaded the Hindus during the Middle Ages. When it comes to discussion within the Muslim League organisation, they fight among themselves.

When it suits them they quote the sayings of the Quaid-i-Azam and the Shaheed-e-Millat. But they forget that the Shaheed-e-Millat conceded in an open debate of the Constituent Assembly that a non-Muslim can become the Head of the Muslim State, where his functions are determined and limited by the provisions of the Constitution.

Sardar Shaukat Hayat pointed out that the teachings of Islam and the Prophet of Islam make it compulsory that whenever a Treaty is entered into with non-Muslims, its provisions must be carried out scrupulously. He said Pakistan had been achieved by means of an agreement with the Hindus, that the minorities in both the Dominions will enjoy equal citizenship. Now to deny non-Muslims any say in the electorate issue, and to segregate them as a sort of inferior citizens would violate that treaty. Hence it will be against the teachings of Islam.

Some Hindu supporters of joint electorate claim that being loyal Pakistanis, Pakistan is as much their State, as of any Muslim citizen. Therefore, no body has a right to deny the non-Muslim Pakistanis a choice in the question of electorate.

It was also argued that the minorities should not be reduced to a state of desperation by denying them any choice in the question of electorate. If they become desperate, it will harm the solidarity and the integrity of the State of Pakistan.

It was pointed out that according to the Declaration of Human Rights by the United Nations every minority has a say in the Government of its country. If the Hindus are denied equal citizenship, it might earn Pakistan a bad name in the international society.

Pakistan has been opposing the policy of Dr. Malan in South Africa in segregating coloured voters from the white electorate. After segregating Hindu and Muslim voters at home, how would Pakistan be justified in criticising *Apartheid* in South Africa?

If the non-Muslims are denied any choice in the question of electorate, the result will be that there will be a perpetual majority and a perpetual minority in Pakistan. Thus the citizens will be reduced to a class of Patricians and Plebians. Such class-antagonisms always result in an injury to the State in which they are enforced.

It has also been urged that "No taxation without representation" is a fundamental rule of democracy, which implies that democratic government can only be run with the consent of the governed. Pakistan being a Republic, how can a choice be denied to the minorities in the electorate issue?

The whole issue: whether non-Muslims should or should not have a choice in selecting either system of electorate in Pakistan, ultimately depends upon what ideology Pakistan adopts for itself. Is it going to be a dictatorial State, or a democratic State? Is it going to be an exclusive Muslim State, or does an Islamic Republic accept its non-Muslim citizens on a basis of equality?

The further examination of these issues will be undertaken in the next chapter, which will deal with the ideology of Pakistan.

(8) Justice to Minorities

It has been previously noticed that one of the arguments advanced in support of separate electorates was that joint electorate implies injustice to those smaller minority groups, who will be overwhelmed by the respective dominant elements of the majority as well as the minority communities.

The representatives of the minorities met this agrument by saying that greater injustice is perpetrated under separate electorates upon the minorities than is likely under joint electorate:

Firstly, separate electorates give domination to those obscurantist elements in both the minority and the majority communities who

flourish by indulging in communal fanaticism, rather than by advancing any objective election manifesto for the advancement of the interests of their voters.

Secondly, the climate of a country's politics under separate electorates deteriorates into such an atmosphese of communal ill-will that no positive policy can be adopted by the State concerning any of the real ptoblems before the nation. Consequently, the whole nation as well as the minority groups suffer from the resultant degeneration and fragmentation of the administration.

Thirdly, the Depressed Classes who are primarily quoted by the arguments under this sub-head, as a typical instance to support separate electorates are at present not as helpless as they used to be before partition. Large numbers of Caste Hindus have migrated to India. So much so, that now their number are less than the Scheduled Castes. Under joint electorate it will be the Depressed Classes, who will become the natural leaders of the Hindu community. Besides, education and new social conditions have fundamentally changed the position of the Scheduled Castes in the Hindu community.

It should not be forgotten that joint electorate develops a healthy political atmosphere in which every citizen feels that he has a say in the affairs of the State. On the other hand, sepatate electorates dwarf human personality. Instead of the "modern free citizen", it produces the mediaeval type of "member of a caste" who is a slave to the traditions of past.

The question whether or not injustice is perpetrated on minorities under either system of electorate, really depends upon the conception of justice, and the theory of the interest of minorities which is adopted. Both these issues will be dealt with in more detail in the next chapter when the problem of ideology, as such, is examined on its merits.

(9) Threat to Cordial Communal Relations

Another argument advanced by the advocates of sepatate electorates was that joint electorate will result in communal riots, or at least in providing occasions where communal ill-will might be encouraged.

They pointed out that even in present-day elections where candidates from the same community are contesting a seat, there is a lot of mud-slinging between rivals. When two candidates belonging to different communities will compete, the natural tendency will be to attract the communal vote by invoking religious slogans. Muslims might say that a Hindu candidate is an agent of India, and a traitor to Pakistan. On the other hand, a Hindu candidate might similarly inflame communal hatred against Muslims.

The reply from the supporters of joint electorate has been that in the first instance past experience goes against such apprehensions. When two Muslim candidates fight in the same constituency, it is not normal that they carry on their election campaign in terms of Shia and Sunni sectarian differences. Nor do the Hindus fight their elections on the Arya Smaji and Sanatanist tickets. The fact is, that when a class of voters is integrated in one electoral constituency, their natural tendency is to organize themselves on the basis of respective political, economic, and social welfare programmes.

Again the very fact that the country's constitution replaces separate electorates with joint electorate, will help to create a mature outlook in the public. Communal and obscurantist sentiments will give place to rational, positive and constructive election programmes.

Much depends upon what ideological interpretation is put upon the system of electorate, and what ideological climate prevails in the political life of the country. If the ideological outlook is not healthy, either system of electorate cannot prevent communal ill-will at the time of elections. Therefore, the ideological aspect of their argument is important enough for consideration in the next chapter.

(10) Malafide Profession of Caste Hindus

We have seen under this Sub-Head that the advocates of separate electorates questioned the bonafide of the Hindu support for joint electorate on the following two grounds:—

(*a*) *Destruction of Pakistsn*:—The Caste Hindus as represented in the Indian National Congress tried their best to reject the demand for Pakistan. Now that Pakistan has come into being, despite Hindu opposition, they

want to destroy the conception of Pakistan by undermining the Two-Nation theory. They are prepared to efface their own communal existence, in the hope that they will thereby remove the cornerstone of separate nationhood, on which the structure of Pakistan has been raised.

They are a fanatically religious people. They are sure that even under a system of joint electorate, they will be able to preserve their communal identity as they have done throughout the centuries of slavery. They can do so on the basis of the caste system which is a social institution. On the other hand, the Muslims have socially no such separate communal institutions. If separate electorates too are abandoned, the result will be that the Muslims will very soon lose their communal consciousness. Thus no justification will be left for the separate existence of Pakistan.

The Hindu representatives have replied to this argument, firstly by affirming their loyalty to the State of Pakistan. They say that as loyal members of the Indian Congress, they have sincerely accepted the fact of Partition. Partition was affected as a result of an agreement between the Muslim League and the Indian National Congress. Until that agreement is denounced, the Hindus, and especially the members of the Congress, stand by it.

Secondly, they point out that under a system of joint electorate, it is not the Muslims but the Hindus who run a grave risk of complete obliteration. The Hindus are taking this risk with their eyes open. They are prepared to sacrifice their parliamentary seats, in return for the creation of a genuine Pakistani nationalism, which will be above the Hindu and Muslim communal sentiments.

(*b*) *Injustice to Scheduled Castes*:—It was also alleged that the Hindus are so keen on the introduction of joint electorate, because they want to preserve their traditional domination over the Scheduled Castes. They know that under separate electorate the Depressed Classes will throw away the yoke of Caste-Hindu domination.

Supporters of joint electorate have replied to this argument by pointing out that, firstly, the figures of the 1951 census are deceptive and misleading, in the present circumstances. Large numbers of Caste Hindus have migrated to West Bengal. Besides, the land reforms subsequent to

partition have deprived the Hindu landlords of the economic basis of their domination. This has also reduced economic and social Hindu influence in the *Muffassil* areas.

It is established by reliable statistics that the Caste Hindus are now in a minority as against the Scheduled Castes. The natural leaders of the Hindu community will be Scheduled Castes. It will be they who will win the majority of the Caste Hindus as well as Scheduled Caste constituencies, under a system of joint electorate.

Moreover it is pointed out that if the Caste Hindu had wanted to continue their domination of the Scheduled Castes, they would never have agreed to joint electorate. Under a system of joint electorate it will be open to the Muslim majority population in every constituency to join hands with Scheduled Castes and other minorities, and thus defeat any Caste Hindu political influence, which has yet survived.

It is evident that the bonafides of the Caste Hindu cannot be independently determined, until first we determine our own ideological point of view, from which we are going to examine this issue. If we start with the proposition that the opposition to Pakistan is something instinctive with Hindus, then it is different. But if we agree that the minorities are prepared to seek their destiny in Pakistan, if they are conceded equal political, economic and social rights, then it has to be confessed that the issue is ideological rather than theological. Hence, we may postpone its further consideration to the next chapter which is given to the study of the ideological problems.

(11) Representation of all Classes and Interests

Supporters of separate electorates have argued that the issue of electorate does not pertain to the equality or disparity of citizenship. They contend that under either system of electorate, one equal vote is given to every adult citizen. The question of joint or separate electorates relates to the different possibilities of "grouping the voters". Hence separate electorates ensure fair representation to all the classes and interests in the State. If the argument that separate electorates go against the equality of citizenship is pursued to its logical end, then even territorial constituencies will be found to cut across the equality of citizenships.

The supporters of joint electorate point out that the demarcation of territorial constituencies pertains to the geographical and physical environments of a citizen ; it does not create any divisions of the citizens themselves into different groups. Therefore, whereas territorial constituencies do not in any way clog the free movement of political public opinion all over the country, that is not the case with communal constituencies. Here the citizens are divided not by the natural barriers of geography, or the physical frontiers of a territory, it is the personal economic status (class) or the personal religious opinions (community) of a citizen which segregate him into a mummified mould. Thus territorial constituencies are in operation all over the democratic countries, whereas 'representation by classes and interests' was the favourite formula of the Italian Fascist State, or it was the imperialist policy of Britain which introduced it in some of its colonial possessions.

It has to be realised that a demarcation by communal constituencies is not the same thing as a demarcation by the Territorial Constituencies. The conception of a communal constituency emphasizes a pigeon-holed ideological classification for which the State serves merely as an "instrument of coercion". On the other hand, the territorial constituencies represent the free inter-play of ideological factors within the territorial frontiers and the constitutional institutions of a State which exist in their own right, and are not merely an instrument in the hands of any one of its different constituent elements.

So; on analysis, we find even this sub-head leads to the next chapter: the discussion of inter-relationship between an ideology and a State.

(12) Threat of Sub-Partition of Pakistan

Advocates of joint electorate had warned that the Two-Nation theory in India led to the partition of the sub-continent. If now in Pakistan the Two nation Theory is again resurrected, it can only result in a sub-partition of Pakistan.

Some representatives of the minority in Pakistan indeed openly demanded the division of East Pakistan into Muslim and non-Muslim Provinces.

The protagonists of separate electorates point out that the partition of the Indian sub-continent was not merely the outcome of the Two-Nation theory. It was conceded in a triangular context, where the Two-Nation

theory provided only one angle. The other two ancillary considerations were the right of self-determination of the major elements of a population which had remained under political subjugation over a long period, and the demarcation of Muslim majority contiguous areas into a separate Homeland. After the agreement of Partition (to which both the major Nations of the sub-continent are signatories), it is no longer open to either of them to demand further sub-partition in their respective Homelands.

The crux of the issues appear to be that either we have to start with the proposition that the ideological content of the Two-Nation theory was the only (or primary) rationale of Pakistan. In that case the resurrection of the Two-Nation theory will logically lead to the sub-partition of Pakistan.

In the alternative we have to accept that the ideological aspect of the Two-Nation theory provided only one-third of the justification for the establishment of Pakistan. The other two-thirds were provided by the agreement of Partition between the two major nations and the contiguous territorial integrity of the respective Homelands. In the latter case, the revival of the Two-Nation theory need not lead to the sub-partition of Pakistan, because it only pertains to the separation between the two Dominions, and does not concern itself with the internal relationship of the majority and the minority population, within the frontiers of either India or Pakistan.

But there is one very interesting sequence of this analysis of the argument advanced by the Muslim Leaguers. If territorial contiguity of the Homeland, and the Agreement of Partition, constitute two-thirds of the Two-Nation theory, and the Hindu Muslim communal antagonism represents only one-third of the fundamental ideology on which Pakistan is based, then how can the Two-Nation theory justify separate electorates? If the one-third communal antagonism justifies separate electorates, does not the two-third territorial contiguity, and the agreement of Pakistan justify joint electorate?

This further leads to the problem: how exactly the communal aspirations, the territorial contiguity, and the agreement of partition are interconnected? But this discussion is related to the fundamental ideology on which Pakistan is based. This is a subject which as pointed out more than once earlier, is being touched in the next chapter.

CHAPTER VII

Ideology, History and Electorate

We have seen that 'the ideological issue' is at the root of all the arguments advanced for, or against, either system of electorate.

Definition

The question arises, what is an ideology? The word conveys the meaning of an "ideal", as well as a conception of abstract ideas. It implies that an individual or a group is striving for the achievement of a goal. It also conveys the sense that the goal, which is being striven after, is in the nature of a notion. The notion is of a moral, or at least of a desirable quality. The desirability may not be wholly ethical. It might be utilitarian.

Is ideology something permanent, or even eternal? Here we must distinguish ideological values from religious values. According to Islamic teachings, our religion has already reached a stage of perfection. But does this perfection also imply that for all times to come, and under all circumstances, our religion denotes nothing but a repetition of certain habitual reflexes—physical or mental?

Permanent and Transitory

When we say that Islam is a perfect and eternal religion; we use the word in a commendatory, rather than in any condemnatory sense. This can only mean that the intent of Islamic teachings is eternal. It simply cannot mean that Islamic society is fossilised to any particular forms of expression.

The difference between the intent and purpose of a teaching, and the particular form, which its execution has to assume under given circumstances, appears to be at the root of the whole confusion about the ideological issue.

The same word "ideology" has been used to convey two different meanings. On the one hand, it has been used to convey the universal and

eternal message of Islamic teachings for Humanity. On the other hand, the same word has also been used in the sense of the temporary and transitory intellectual experiences of a limited section of humanity, within a limited territory, confined to a comparatively short period of time; for the purpose of implementing the ever-lasting and perfect values of abstract truth, within its restricted jurisdiction.

The difference between the Ideology and "an ideology" can best be appreciated by a historical approach to the problem.

Import of Parliamentary Institutions

It is about a little more than half a century that representative parliamentary form of Government was introduced in the Indo-Pakistan sub-Continent under British influence. Considering the destiny of nations, this is an insignificantly small period of history. But can we say that even during this small period the political, the social, the economic, or even the theological ideas of the whole Muslim people all over the world have remained identical and stationary? Have even the ideas of the Muslims living in this sub-Continent been fixed to any one shape?

Faith and Ideology

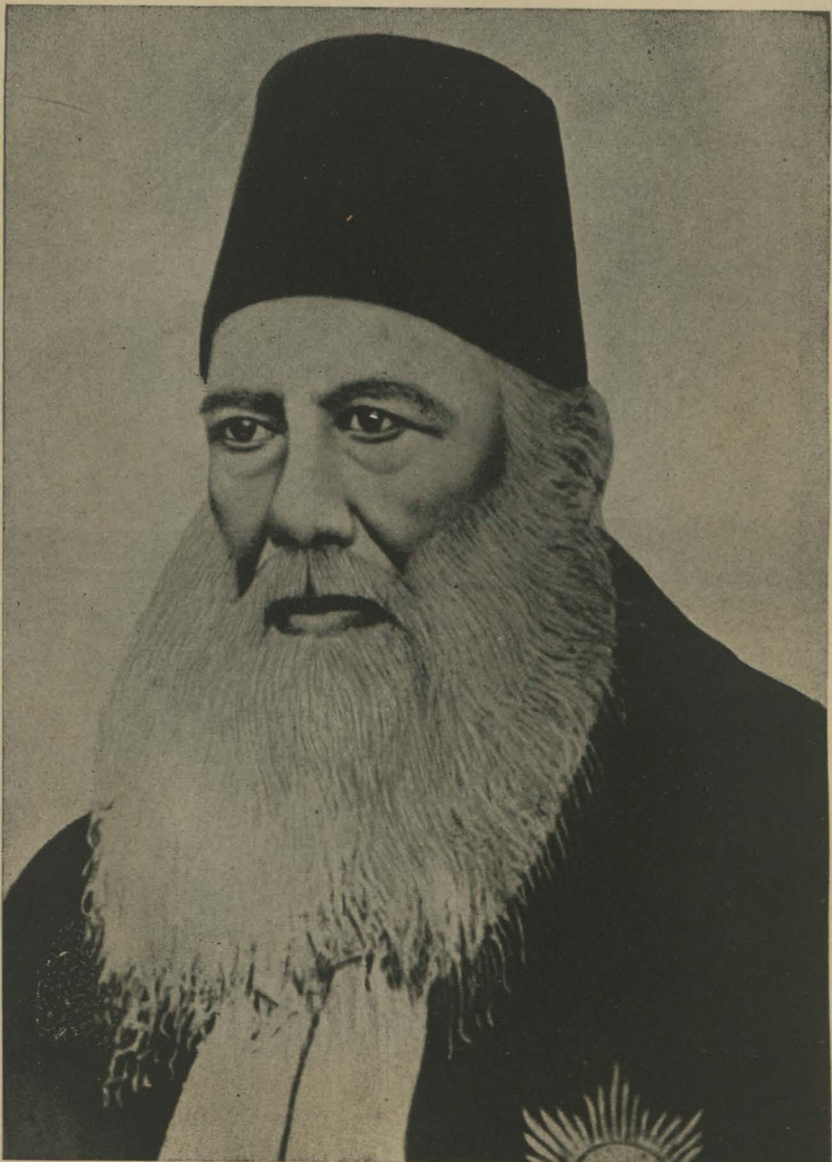
Of course the Faith of the Muslim *Ummat* has remained the same, ever since its establishment, 1300 years back. In fact the Quran teaches us that the spirit of the faith is the same, since the days of Abraham some 4000 years back. But it would be unnatural—inhuman—to expect that the thought of the Muslims during all these years too has been identical, or even similar.

As far as the political thought of Muslims is concerned, every student of history is aware, that the State of Islam, as established by the Prophet and his four successor Caliphas, was Republican. But that Republic hardly lasted 30 years. Even during these 30 years, jurists of various sects had started to differ about the nature of the Islamic State.

Concept of Islamic State

The Shias believed in an established and ordained Church-State, whose Head ruled by a divine right. The Sunnies were of the view that the

SIR SYED AHMED KHAN



"......The words: Hindu and Mohammedan: are only meant for religious distinction—otherwise all persons whether Hindu or Mohammedan, even Christians, who reside in this country......belong to One and the same Nation."

(Gurdaspur 27 January 1884)

religious duties are the core of an individual's loyalty to Islam. However, if a majority of the community can agree to establish a State as well, it is a desirable end.

On the other hand, the Kharjaites—very much like the Christian Quakers—verged almost on advocacy of anarchy. They believed that the spiritual and moral values and the religious duties are the first responsibility of the individual. If a State in the least hinders the performance of this responsibility, it has to be destroyed.

Later during the Umayyed and Abbasid Caliphs, under Turko-Persian and Byzantine influences, the dynastic rule of Sultans and Caliphs was accepted as part of Muslim political theory.

1707 to 1857 (Period of Charters, Period of Acts, and Period of Councils):—

Till the termination of the Moghal regime in the Indo-Pakistan sub-Continent in 1707, it was this theory of the "Just Monarch" (*Sultan-e-Aadil*) that ruled the destinies of Islam. After the destruction of the Moghal empire, when the Sikh, the Mahratta, and the British inroads against the Muslim community in the sub-Continent became intolerable, Shah Wali Ullah Dehlvi revived the conception of "the people's responsibility" and the Republican form of government.

It was under the inspiration of this political theory that for a quarter of a century, the Wahabi movement was conducted from Bengal to the N.W.F.P. This period came to an end with the Battle of Balakot in 1831.

The second period of Muslim thought came to an end with the failure of the War of Independence in 1857. As happens in revolutionary periods, political thought remained in turmoil. The thought of the Wahabi movement had not wholly subsided. There was a revival of loyalty to the Moghal dynasty. There was also racial hatred against the alien masters, which sometimes arose to the heights of patriotism.

Jamaluddin Afghani and Sir Syed Ahmad

The third period extends from the failure of the War of Independence to the rise of Sir Syed's "movement for education and natural science". The outstanding figure in that period was Syed Jamaluddin Afghani who

advocated Pan-Islamic solidarity; opposition to the cultural, economic and political influence of the West; elimination of native despotic dynastic rule; establishment of popular rational movements all over the world of Islam; and the convergence of different Muslim nationalities towards the Universal Islamic State.

The fourth period covers Sir Syed's movement, whose major characteristic was loyalty to the British throne, and conformity to the influx of Western cultural values. He reinterpretted the Quran to adjust it to Western Science. He severely warned the Mussalmans against participating in the Indian National Congress which had started in 1885, or starting any political movement of their own.

Indian Mohammadan National Association

It was Justice Amir Ali who partly as a reaction to Sir Syed's movement of subservience, and partly as a counterpoise to the Indian National Congress' aggressive designs, started a third tendency among the Muslims to create a political organisation of their own, for demanding their rights from the British rulers, as well as the Hindu competitors. The first attempt to convene a "Mohammadan National Conference" was made, only one year after the inception in 1885 of the Indian National Congress. The Association had been working on a provincial plane since 1876. Sir Syed vehemently opposed the idea of the one, and the efforts of the other. However, Syed Amir Ali by a series of articles in the local and foreign Press gave the Indian Mussalmans the first opportunity to express their grievances in the new political jargon, introduced by the British parliamentary traditions.

Syed Amir Ali traced the economic decline of the Mussalmans on the advent of the British rule, to their disappropriation in Bengal after the Permanent Settlement, when Caste Hindus had acquired land by their clever tactics of playing the Mussalmans and British against each other. He emphasised the need of giving a due share to Mussalmans in the administrative services. He started the demand to secure Muslim representation on considerations other than their numbers.

Dawn of Modern Era

As is apparent from Appendix V at the end of the book the economic development of Northern India had started soon after the

failure of the War of Independence in 1857. The British dug out a network of canals from the rivers of the Punjab. Simultaneously they laid down another network of railways in the area (Map of Railways in 1874 and1897 at the end of the book)· British administration gave law and order to the land, after almost one and a half centuries of Sikh and Mahratta anarchy. The canals increased agricultural produce. The railways provided the transport for selling the wheat and cotton of the Punjab to foreign markets. Soon there was prosperity. Prosperity led to leisure. Leisure bred political thought.

History of British Indian Legislatures

Before studying the diverse forms which this political activity assumed, let us undertake a very brief survey of the legislative institutions introduced by the British in the country. These legislative organs later flowered into parliamentary conventions—with all their machinery of electorates—both joint as well as separate.

The first Charter of the East India Company was granted by Queen Elizabeth I in 1600. Power was given to make "such and so many reasonable laws, constitutions, orders, and ordinances" and to impose fines and penalties for enforcing these laws, as seemcd necessary, provided they were not contrary to the laws and customs of the realm. The Charter was for 15 years.

In 1609, James I renewed the first Charter to perpetuity, "subject to determination after three years' notice, of proof of injury to the nation". The charter of 1661 introduced the joint stock principle into the Company. The Company was empowered to appoint Governors and other officers for the government of fortresses. The Governor and Council of each "factory" were authorised to judge all persons living under them "in all causes whether civilians or prisoners".

In 1669 the Government granted the Island of Bombay to the Company. The Charter of 1677 authorised the Company to coin money at Bombay. The Charter of 1683 gave the Company full powers to raise military forces, to make peace and war with "heathen nations". A Court of Judicature was established. The Charter of 1686 empowered the Company to raise naval forces.

The Charter of 1726 reorganised municipal and judicial institutions at Bombay, Madras, and Calcutta. Mayor's Courts were established, and the Governor and the Council of each Presidency were given powers of legislation. In 1753 non-Europeans were excluded from the jurisdiction of the Mayor's courts. In 1765 the Moghal King granted the right of collecting revenue (Diwani) to the Company. The Company could collect Diwani in Bengal, Bihar and Orissa for an annual payment of 26 lakhs of rupees.

East Indian Company Regulating Act 1773

It was the Regulating Act of 1773, introduced by Lord North which regularised the Government of India. In 1773, the Governments of the three Presidencies were independent of each other, and directly responsible to the Board of Directors in England. Each Presidency consisted of a President and a Council of 12 to 16 Merchants. Decisions were taken by majority.

The Regulating Act appointed a Governor-General and four Councillers for the Government of the Presidency of Fort Williams in Bengal. The Governor-General and Councillers were bound by the vote of the majority of those present at the meetings, and in the case of an equal division, the Governor-General had a casting vote.

The Governor-General in Council was given the power of superintending and controlling the Governments of the three Presidencies of Madras, Bombay, and Bencoolen (Sumatra). The Presidencies were put under the Supreme Government for peace and war, though the President in Council of each Presidency was still left with power to declare war, and enter into treaties without the consent of the Governor-General, with the approval of the court of Directors at London, in case of necessity.

The Governor-General in Council was also authorised to make laws for "all the factories and places of the Company in India," provided these were not repugnant to the laws of the realm, and were registered in the Supreme Court. This was the beginning of the legislative power of the Government of India, which was gradually to grow into a legislature, and ultimately to assume the shape of a parliamentary Assembly, with its implications of electorate and popular representation.

The Supreme Court had also been created by this very Act. It led to a conflict between the Supreme Court and the Council of the Governor-General, which culminated in the notorious capital punishment for Raja Nand Kumar on charges of treason. This was followed by the impeachment of Waren Hestings, who was the Governor-General during that period. The Bengal Judicature Act of 1781 took away the revenue jurisdiction of the Supreme Court.

Pitt's Regulating Act 1784

The next landmark was Pitt's East India Company Regulating Act of 1784. It subordinated the Court of Directors to a British Parliamentary Board of Control. The Presidencies were now completely subordinated to the Governor-General in Council in all questions of war and peace, revenue, and military forces. The number of the members of the Council was reduced to three including the Commander-in-Chief. The Governments of the Presidencies of Madras and Bombay were to consist of a Governor and three Councillors, including the Commander-in-Chief of the Presidency.

An Act of 1786 empowered the Governor-General in special cases to override the majority of his Councillors. It also enabled the offices of the Governor-General and the Commander-in-Chief to be united in the same person.

The Charter Act of 1793 renewed for 20 years the monopoly of East India Company. The Governors of Madras and Bombay also were now empowered to override the majority in their Councils, in case of necessity. The Governor-General in Council was given full powers to superintend, control and direct the Presidency Governments.

The Charter Act of 1813 renewed the monopoly of the Company for another 20 years. All the Presidency Governments were again empowered to make articles of war, to impose custom duties and taxes.

Charter Act of 1833

The next important stage in the evolution of the legislative operations of the Government of India under the East India Company, was reached in 1833.

This was a period of great reform, and progressive social ideas in England. In 1823, 100 felonies were exempted from capital punishment.

In 1829 the Catholics were emancipated from religious disabilities. In 1832, the Parliamentary Reform Act of 1832 became law. Slavery was abolished in 1833. Restrictions on the Press were removed in 1836.

The Charter Act of 1833 introduced many reforms in the affairs of the East India Company, with which we are not concerned here. The salient features of this Charter Act from our point of view were that, firstly, the East India Company was asked to wind up its commercial affairs by April 13, 1854. The Governor-General and Council of Bengal were designated "The Governor-General of India in Council". In addition to the three ordinary members of the Council with service qualification, a fourth "Law Member" was added, who was to sit and vote only at meetings held for making laws and regulations. He was to be appointed from among persons who were not in the service of the Company.

Law Member

The appointment of a separate Law Member in the Council of the Governor-General was a revolutionary measure in as much as for the first time in history it separated the law-making powers of the East India Company from the despotic executive authority. It is true that as yet it was only a separation of functions. There was no separation of responsibility. The Governor-General continued to be the ultimate authority for legislative as well as executive operations. However, it was a step forward, that the legislative powers of the Governor-General in Council were at least internally set apart from the day-to-day administrative and executive decisions.

The Governor-General in Council was given comprehensive powers to make laws and regulations for the whole country. Each Presidency government was authorised to propose to the Governor-General in Council drafts or projects of any laws or regulations, which it might think expedient. No Governor or Governor in Council was to make or suspend any regulations or laws in any case whatever, unless in cases of urgent necessity, and then only until the decisions of the Governor-General in Council were signified thereon.

The Governor-General in Council was vested with full powers and authority to superintend and control the Presidency governments in all matters relating to civil and military relations. The Governors, and

Governors-in-Council, were further required to obey all orders and instructions of the Governor-General in Council in all cases.

Section 87 of the Act prescribed that no native of His Majesty's territory, nor any natural-born subject of His Majesty, resident therein, shall by reasons only of his religion, place of birth, descent, colour, etc, etc. be disabled from holding any place, office, or employment under the. Company.

However, this legal reform was expressly distinguished from any intention to set up representative institutions in India.

Lord Macaulay in the course of the debate for the Charter Act observed:—

> "In India you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics not a singular one, as far as I know, however, democratic his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions.
>
> "The destinies of the Indian Empire are covered with thick darkness ......It may be that the public mind in India may expand under our system till it has outgrown that system; that by good government, that having become instructed in European knowledge, they, in some future age, demand European institutions.
>
> "Whether such a day will ever come I know not, but never will I attempt to avert or retard it. Whenever it comes, it will be the proudest day in English history."

Section 81 of the Charter Act had abolished the previous system of licences for British European subjects to enter into India. The regularisation of legislation in India was necessitated by the fact that now a large number of British European subjects were to reside in India. The British Government considered that these Englishmen living in India should be subjected to a uniform system of law throughout the territory.

The Charter Act of 1853, laid down that the Law Member of the Governor-General's Council was entitled to sit and vote at all meetings of the

Council. Previously he could only attend meetings called for purposes of legislation. Another change was introduced, that when the Council met for legislative purposes, the Chief Justice and one Judge of the Supreme Court at Calcutta, and one member each representing and appointed by the four Provincial Governments of Bengal, Madras, Bombay, and N.-W.F.P. (the name given to U.P. at the time) were also to attend as members. No law or regulation made by the Council was to have force or be promulgated until assented to by the Governor-General.

After the Revolt of 1857, the rule of the Company was abolished by Queen Victoria's Proclamation of 1858 and the British Government took over direct control of the Indian Empire. The Government of India Act of 1858 laid down the constitution of the Government of India.

Indian Council's Act 1861

In 1861, the Indian Council's Act was passed. Firstly, because one central Council was found inadequate to provide legislation for the varying needs of all parts of the country.

Secondly, the Provincial Governments were not content with the meagre share they were assigned in the legislation, concerning their own territories.

Thirdly, after the Revolt in 1857, it was realised that the association and assistance of popular representative was necessary for the correct knowledge of the wishes, sentiments and prejudices of the Indian population.

This Act marked the first important step in the direction of Provincial autonomy, and association of Indians in the business of legislation. It sowed the seeds of representative institutions. The number of the *Regular Members* of the Council was raised to five, three of whom were to be at the time of their appointment in the service of the Crown in India for at least ten years, and of the remaining two, one of them was to be a Barrister of not less than of five years' standing.

The Governor-General in Council was required to nominate, not less than 6 and not more than 12, *Additional Members* who were to hold office for two years, and were to be summoned only to all meetings

of the Council held for legislative business. Of the *Additional Members* not less than one half were to be *non-officials*—those persons who at the date of nomination were not in civil or military service of the Crown in India.

The Legislative Council was expressly forbidden to transact any business at its meetings other than the consideration or an enactment of measures introduced. All measures were to be introduced with the previous sanction of the Governor-General. No measure was to be introduced affecting the Public Revenues of India, or any charge on these Revenues.

The religion of any class of subjects in India, the discipline of military or naval forces, the foreign relations of the Government of India, and relations with native states were also excluded from its jurisdiction.

The Governor-General might assent to a measure or withhold assent ; or refer it for ratification after finding the pleasure of Her Majesty thereon. An act assented to by the Governor-General might be disallowed by the Crown through the Secretary of State for India.

The Legislative Council of the Governor-General was to make laws for all the inhabitants in India. The Governor-General was empowered to promulgate Ordinances in case of necessity, for a period not more than six months.

To the Presidency governments of Bombay and Madras the legislative powers were restored and the Governors were required to nominate, besides the Advocate-General of the Presidency, *Additional Members* on their Councils. Not less than four, and not more than eight, was to be their number. Not less than one-half must be *non-official*. The term of office was to be for two years. The assent of the Governor and the Governor-General was essential for all laws.

Currency, criminal laws, religion, military and naval forces, patents in copyrights and foreign relations were excluded from the jurisdiction of the Provincial Legislative Councils.

Although the Indian Council's Act of 1861 laid down the foundations of representative institutions, at the time there was no intention of doing

so, as is evident from the following remarks of Sir Charles Wood, Secretary of State for India, while introducing the Bill on June 6, 1861:—

> "The notion of legislation, which is entertained by a native, is that of a Chief or Sovereign, who makes what laws he pleases; he has little or no idea of any distinction between the executive and legislative functions of Government".

This was accepted as the principle on which the fabric of the new constitution was to rest. The idea of having some representatives of the people of India on the Council was rejected as "simply and utterly impossible, for you cannot possibly, assemble at any one place in India persons who shall be the real representatives of the various classes of the native population of that Empire."

The principal feature of the Indian Council's Act of 1870, was that the power of making regulations was restored to the Governor-General in Council, over and above regular laws.

The Indian Council's Act of 1874 empowered the Crown to increase the number of the *Regular Members* of the Council of the Governor-General to six.

Indian Council's Act 1892

The next major landmark in the evolution of representative institutions in India was reached with the Indian Council's Act of 1892. Now the *principle of election* was introduced for the first time, though in a very restricted and indirect fashion. Still *representation* was confined to *Legislation*, and did not in the least etxend to *responible* Government.

Lord Ripon had introduced Local Self-Government in1882. The Municipalities and Local Boards had worked with success. The Indian National Congress had been founded in 1885. In several resolutions it had demanded the increased association of Indians with the Government of India through some sort of representative institutions.

Lord Dufferin who was the Viceroy had recorded in 1886 that:—

> "Among the natives I have met, there are a considerable number who are both able and sensible, and upon whose loyal coopera-

tion one could undoubtedly rely. The fact of their supporting the Government would popularise many of its acts, which now have the appearance of being driven through the legislature by force, and if they in their turn had a native party behind them, the Government of India would cease to stand up as it does now, an isolated rock in the middle of a tempestuous sea, around whose base the breakers dash themselves simultaneously from all the four quarters of the heavens."

Lord Dufferin in a Despatch to the Secretary of State in 1888 made certain recommendations for constitutional changes in the structure of the Government of India, which had far-reaching effects. They were incorporated in the Indian Council's Act of 1892, which in turn later provided the foundations for the Minto Morley Reforms of 1909. Therefore, we reproduce below a few extracts from that Despatch:—

"Having regard to the relation in numbers, in condition, in status, and in qualifications for Government, of what may be called the Europeanised and the educated section of the Indian people as compared with the masses that constitute the bulk of the nation, I am convinced that we should be falling into a great error, if miscalculating the force and the value of the Congress movement and the influence of its supporters and advocates, whether in the press or elsewhere, we were to relax in the slightest degree our grasp of the supreme administration of the country.

"On the other hand, so long as we hold firmly to this principle, and remain alive to our own imperial responsibilities, I believe that both with safety and advantage we can give full play to the legitimate and praiseworthy ambition of the loyal, patriotic, and educated classes of India who are desirous of taking a larger share than hitherto, in the transaction of the public business of their respective provinces.

"Fortunately whilst the Government of India has been occupying itself in framing proposals for reconstituting its provincial Legislative Councils, it has also, at the suggestion and with the approval of the Secretary of State, been perfecting very important arrangement for the still further decentralisation of our financial

system, and for handing over to the Provincial Governments a more complete and independent control of the provincial revenues.

"At the same time certain powers of supplementing and increasing the local funds by provincial taxation is to be attributed to them. Thus the Provincial Councils will be admitted to a very large and important field of provincial administrattion, and ample scope and opportunities will be given to its members, both native and English (amongst whom an adequate number of representatives of the British mercantile interests should be certainly included), to display their statesmanship and their ability to provide for the wants and interests of the extensive communities over which their influence and jurisdiction will extend......

"In two respects I should desire procedure in the Governor-General's Council to be amended. Under the existing law it is only when a new tax is to be imposed that the Finance Member is required to submit his financial proposals to the Legislative Council, or that any opportunity is given to the members of that body to make observations in regard to them. When there is no new taxation, the Finance Member merely publishes his Budget in the form of a pamphlet. For my own part I think that yearly financial discussion in the Viceroy's Legislative Council would prove a very useful and desirable arrangement, and a very convenient preliminary to the subsequent debate which takes place on Indian finances in the House of Commons, later in the year......

"The second change in the procedure of the Supreme Legislative Council which I am inclined to recommend is, that, under proper restriction to be laid down by the Viceroy, its members should be permitted to ask questions in reference to current matters of domestic, as distinguished from those of Imperial interests that may have attracted public attention.

"Under existing circumstances, the Government of India has no adequate medium through which it can explain its policy, correct a wrong impression, or controvert a false statement, and, though upto the present time the consequences of the evils I have indicated may not have become very serious or widespread, they contain the germs of incalculable danger. Consequently it would prove as

great an advantage to the Indian administration as it would frequently be a satisfaction to the members of the Council and the public at large, if reasonable opportunities were afforded of communicating to those interested the exact facts in regard to any questionable matter.

"But it is necessary that there should be no mistake as to the nature of our aims, or of the real direction in which we propose to move. Our scheme may be briefly described as a plan for the enlargement of our Provincial Councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle and the liberalisation of their general character as political institutions. From this it might be concluded that we were contemplating an approach, at all events as far as the Provinces are concerned, to English parliamentary government, and an English constitutional system. Such a conclusion would be very wide of the mark; and it would be wrong to have either the India Office or the Indian public under so erroneous an impression.

"India is an integral portion, and it may be said : one of the most important portions of the mighty British Empire. Its destinies have been confined to the guidance of an alien race, whose function it is to arbitrate between a multitude of conflicting or antagonistic interests, and its government is conducted in the name of a Monarch whose throne is in England. The Executive that represents her imperium in India is an Executive directly responsible, not to any local authority, but to the Sovereign and to the British Parliament. Nor could its members divest themselves of this responsibility as long as Great Britain remains the paramount administrative power in India."

The Act fixed the number of *Additional Members* of the Governor-General's Council at not less than ten, and not more than 16, and of the Councils of Madras and Bombay at not less than eight and not more than 20. The maximum for the Council of the Lieutenant-Governor of Bengal was fixed at 20, and for the United Provinces at 15. Local legislatures were empowered with the previous sanction of the Governor-General to repeal or amend as to their territories, Acts of the Central Government.

The Governor-General in Council was authorised to make rules, subject to the sanction of the Secretary of State in Council, for the discussion of the Annual Financial Statement, and the asking of questions. The Governors in Council were also empowered to frame similar rules, with the sanction of the Governor-General in Council.

But no member at a Council meeting was to submit or propose a Resolution, or to claim division of votes in the Council in respect of any discussion, or the answer to any question asked under the authority of the Act. By the rules made under the Act, one or two days were allowed annually for "observations" on the Budget.

"Representation by Communities, Classes and Interests"

By the regulations framed under the Act, of the sixteen additional Members of the Council of the Governor-General, ten were required to be non-officials, and of these latter four were to be appointed on the recommendations of the four Provincial Legislatures; one on the recommendation of the Calcutta Chambers of Commerce, and the remaining five were to be nominated by the Viceroy to present landed and other interest in the country.

In the four Provincial Legislatures, while retaining official majority, the major portion of non-official seats were required to be filled on recommendations made by groups of Municipalities, District Boards, Chambers of Commerce, land-holders, and Universities.

The number of non-official seats to which appointments were made by the method of recommendations, was seven in Madras, eight in Bombay, seven in Bengal and six in U.P.

The constitution of the Legislative Council established in the Punjab in 1898 was determined by the Indian Council's Act of 1861. The rule of recommendation, therefore, did not apply, nor did the privileges of discussing the Budget and asking questions extend here. In its case the total strength of the Council was nine, excluding the Head of the Province.

The Act empowered the Government of India with the approval of the Secretary of State in Council to make rules as the conditions under which

nominations of *Additional Members* were to be made. This provision came to be called the "Kimberley clause", after Lord Kimberley who later became the Secretary of State for India and was responsible for its exact drafting.

It is evident from the foregoing passages that the Legislative Councils in the Indian sub-Continent originated as instruments of the autocratic rule of the East India Company. Even the Indian Council's Act of 1892 never intended to grant any representative institutions. The Councils were primarily established for administrative efficiency, and not the least as a measure to grant any parliamentary responsibility to the people. The expressed object was that "each important class should be *represented* in the Council by the mouth of some Member especially acquainted with them".

The Government of India Despatch of October 26, 1892, quoted in the Montagu Chelmsford Report, Para, 227, states that directions were issued for providing representation to "certain classes, and interests, among which the Muhammadans were named", but the regulations did not confer the right of selection upon any community, and it was left to the Governor after the various bodies mentioned above had made their choice, to fill the nominated seats in a manner as would in his opinion secure a fair representation of the claims of the different communities.

This formula of representation by, "classes, communities and interests" was the corner-stone on which the parliamentary structure of India stood for the next 55 years, and which Bharat and Pakistan inherited on independence. Representation by classes, communities and interests was a corollary of the political slavery, before Independence. The people as such and as a whole, were never given representation, because the sovereignty vested in an alien and foreign race. The foreign Sovereign could not conceive of the native people as a totality, because it always conceived of them as objective elements and factors, to be dealt with.

However, the situation has changed fundamentally since the attainment of independence. We can no longer afford to fragmentise our people into a multiplicity of sects, sections, classes, communities and interests; because in our case the sovereignty has to vest in our own Parliament. There will be no foreign sovereign agency to keep together heterogeneous

elements within a Council. Our parliamentary institutions are to be constituted not only for *representing* the variety of interests, but also for accepting *responsibility* collectively as a nation.

Before we pursue this point of view through studying the actual examples of "representation by classes, communities and interests", let us make a brief acquaintance also with the history of representative institutions and their problems in the contemporary Muslim world, when representative institutions were for the first time granted to India by its foreign rulers, to strengthen their own authority and to make their administration efficient, rather than to establish any National Sovereignty of the native population by granting them responsibility.

The "Millat System" and "Capitulations"

While undertaking such a study it has to be kept in mind that the State as we know it, and as it is now-a-days defined by political science, is a very recent growth.

Even now there is no uniform and universal definition. We conceive of the State as a sum total of the legislative, judicial, and executive institutions, and the fundamental laws which define their structure and mutual division of public authority; through which an independent human society maintains its collective existence.

When Islam established its polity, these institutions were not run by specified services, nor were they the monopoly of any specialised class in society. The spirit of Islamic Brotherhood prevailed, throughout the social fraternity. The people as a totality participated in all the above mentioned three functions of the State, through the local consensus of every particular town or village.

The functionary of the State was more an instrument of the social will, than an "instrument of coercion", or a "cadre", separate from the people. The elders of the tribe, or even of the family, performed functions for which we have created a sophsticated class of politicians.

In this sense, the "classless state", and "the stateless state" which is a utopian dream for certain schools of political thought, was an actuality in the early days of the Republic of Islam.

All the Muslim authorities on Islamic theology, and even modern students of history are agreed that the functions of the legislature, the judge, the Head of the State, and the Head of the Church were combined in the person of the Prophet of Islam, and his immediate successor Caliphs.

The functionary of the State in those days combined : intellectual, moral, military, spiritual, civilian, academic, economic and civic skills in his person.

One may not agree with the theory of evolution in the processes of history, but it has to be conceded that all these different spheres of human activity have become more complex, varied and differentiated. Not many an individual of higher qualifications in the modern world combines all these talents in his person.

Therefore, as a natural growth, immediately after the first Republic of Islam, the offices of the Ruler (*Amir*, *Hakim*, *Sultan*) were differentiated from the functions of the Jurist (*Imam*, *Faqih*, *Mufti*). Islamic jurisprudence was studied and evolved in the non-official schools of law at Madina, while the capital of the State was at Damuscus, Basra, Kufa, or Baghdad.

Most of the business of the early State was performed through local gatherings of all the different elements of the society, the functionary of the State confining himself to ceremonial leadership. Even the Army was mostly a voluntary force. The General Staff was widely diffused. The Court which can be compared to the modern parliament, had also an unrestricted membership. Anybody who had a valuable contribution to make, could normally gain entrance by just walking in.

Gradually, with the growth of the complexity of the society, the different organs of the State did assume a shape, where they are today differentiated from the general society. But the primary Islamic society was so universal and diffused, that the configuration of the State usually coincided with periods of a deterioration in the Islamic spirit.

The Abbasid Caliphate ended in 1258. The Spanish Muslim State ended in 1492. After the destruction of these two major Islamic States, the Ottoman Turks inherited the leadership of the world Islamic State. The Turkish Caliphate ended in 1925.

The only other great Muslim States during the assendency of the Turks were the Safvi dynasty in Persia, and the Moghals in India. The Moghal domination ended with the demise of Aurangzeb in 1707. Persia had come under European influence by the middle of the seventeenth century. Thereafter Turkey was the only great independent Muslim State left in the world.

Hence it will serve the purpose if we confine our study of the Islamic State, to Turkey, during the period when the Mussalmans in the Indo-Pakistan Sub-Continent were stabilizing their attitude towards the problem of electorate, in evolving a democratic parliamentary State.

As wehave observed, the original concept of the Islamic State did not pay much attention to the physical ingredients of a State i.e. its territorial frontiers, and its non-Muslim inhabitants. It was primarily an ethical consensus of a spiritual fraternity, which maintained itself through its cultural influences, leaving the economic, the military and the social solidarity of the society to the initiative of the people themselves.

When Mohammad, the Conqueror, annexed Constantiople in 1453; he granted communal autonomy to the followers of the Greek Orthodox Church under their Patriarch, and similarly to the Armenian Patriarch. This is traditionally considered the origin of the *Millat system* in the Turkish Empire, under which every separate religious community enjoyed its own laws, its own institutions, and its own representative Assembly ; very much like the modern provincial and regional autonomy— in a confederacy. The only difference was that it penetrated to the smallest village, and was also consolidated at the centre in a separate organisation. It was almost a State within the State; or states, within a union or confederacy of United States.

In 1536 when Suleman the Magnificent and Francis I entered into an alliance against Charles V, the various articles of the treaty were called "capitulations". One of these articles was that Suleman being the senior partner permitted French merchants to trade within the jurisdiction of the Turkish Dominions, without being subjected to local officials or laws. They were to be governed by French laws.

This generous gesture, which originated as a symbol of friendship, later when the European powers due to their industrial development became more powerful, degenerated into a sign of European superiority and Asiatic inferiority.

Similar facilities were extended to England, and later Russia extorted the same. The extra-territorial jurisdiction granted to European powers within Turkish Dominions, in due course led to the establishment of "extra-territorial courts", all over the Turkish Dominions, where foreign diplomatic officials administered justice, not only to their own subjects but also to Turkish citizens who entered into dealings with foreigners.

When European powers acquired ascendency in China during the last century, the curse of extra-territorial courts was imported to China as well. It was abolished only after the European influence was exterminated from China.

Persia and Egypt also suffered under these capitulations for long, till natonalist regimes put an end to the hateful system.

Another off-shoot of this foreign infiltration into Turkish sovereignty was the "System of Berats" (or licences) for various sorts of monopoly and other commercial rights within the Turkish Empire. Saleem the III tried to regularise these licences through his New Regulation in 1793, but he failed.

In November 1839, when Turkey was in great need of Anglo-French help for dealing with its rebellious Governor of Egypt, Mohammad Ali, Sultan Abdul Majid issued a decree of reform on Western lines within his Dominions. Historically it is called: Hati-i-Sherif of Gulhane.

Fundamental rights of Life, Liberty and Property were granted to all subjects. Military and Tax reform was promised. An Assembly of notables, Provincial Councils, mixed Tribunals, technical schools etc. were founded. This was internally the beginning of the functions of a parliamentary rule.

In 1856 the Turkish Caliph issued the Royal decree which is called in history the Hati-i-Humayun. It granted Christian subjects security of life, and property. The civil powers of the Heads of Christian Churches were transferred to a Synod of Clergy, and a National Council of Laymen. Liberty of Conscience was granted, and civil offices were thrown upon to them.

These measures resulted in a multiplicity of "minority parliaments" within the Turkish Empire. The minority communities which now enjoyed political as well as religious autonomy, opened direct diplomatic talks

with foreign powers of their own religion. This was the beginning of the distintegration of the classical Turkish Empire and State.

In 1876 Midhat Pasha, who was the Grand Vazir, proclaimed a new constitution which promised liberty of the individual, freedom of conscience and a free press, Western education, equality of taxation, irremovability of judges and parliamentary government, founded on general representation. But the very next year Midhat Pasha was dismissed, and banished. The Parliament was prorogued and the constitution suspended.

In 1908 the Constitution of 1876 was restored by Sultan Abdul Hamid. In the very first meeting of the Parliament, the Young Turks' Movement, which had started under the influence of Jamaluddin Afghani in 1896, gained a large majority. The Liberal Union constituted by the minorities demanded regional autonomy in favour of minorities, and opposed Turkish as the only official language.

The Liberal Union of minorities came into clash with the Committee of Progress and Union, which represented the Young Turk Movement.

In 1909, "the Mohammadan Union" of Conservative forces, (which constituted a third element) destroyed the Parliament House, Telegraph Offices, and compelled the Ministry to resign. Sultan Abdul Hamid was deposed by the Parliament, which succeeded in suppressing the Revolt. The Constitution was changed to deprive the Sultan of the power to dissolve the Parliament. In 1912 the Sultan dissolved the first Parliament.

The General Elections resulted in a great victory for the Committee of Progress and Union. The Triumvirate of Anwar, Talaat, and Kamal Pashas, which led the Committee of Progress and Union, dissolved the Parliament by force and proclaimed martial law in 1912.

It is common knowledge how after the first World War, Mustafa Kamal Pasha declared the soverignty of the people, without distinction of creed. A parliament elected on manhood sufferage, and a territorial State was established.

This brief account is sufficient to prove how the medieval Islamic custom of granting separate parliaments, separate electorates, and separate

judges with separate laws resulted in a multiplicity of soverigenities within the State, and ultimately in the distintegration of the territories of a Homeland into Principalities, which evolved independent foreign alliances.

Contemporary Muslim Political Ideology

After the battle of Plassey (1757) the Muslims had lost their *locus standi* in Bengal. In 1799, after the defeat of the Tipu Sultan, they lost their ground in Southern India. After the battle of Balakot in 1831 the Muslims of Northern India were crippled in such a manner, that they never raised their head for another century. Delhi had been the seat of Muslim power for centuries. Therefore, in the United Provinces the Muslim intelligentsia and aristrocacy had preserved their existence and their culture, even if in a degenerated form. But after the unsuccessful revolt of 1857, the British oppression was so efficient that here too the Mussalmans ceased to exist as an independent society.

For 20 years after the revolt of 1857, there was a complete silence of death as far as Muslim political thought is concerned. The British Government of India had re-established itself at the cost of unprecedented carnage, bloodshed, and suppression of the Mussalmans, who had aspired to revive their hegemony, which they enjoyed during the Moghal rule.

We have no record of Muslim political thought during these 20 years. In all probability Muslim nobility and intelligentsia did not recognise the new State established in India by the British. But they were physically incapable of challenging it. They continued to harbour dreams of the Muslim Universal State, which at least for the time being had been ousted from the sub-Continent.

During these 20 years the fabric of Muslim society, as it existed under the Moghal Empire, completely disintegrated. The nobility and intelligentsia were exterminated. Muslim collective life was outlawed. Even the personal laws and the family life of the Muslim population was disfigured, out of recognition.

The fate of the Indian Mussalmans after 1858 resembled very much that of the Muslims of Spain in 1490, when gradual annihilation appeared to be the only future in store for them. If later events proved it otherwise, it was mainly because the British conquerors in India were

restrained by their parliamentary form of government at Home, and the commercial ideology of the British Empire as a whole. Another circumstance which was responsible for the survival of the Mussalmans was that India was a heterogeneous country, without any national solidarity, or religious uniformity, which could absorb or destroy the Muslim inhabitants.

The only record of collective life that we can find among the Indian Mussalmans during this period consists of the activities of those Mussalmans who had saved their lives and livelihood, by seeking employment with the new conquerors, and who occasionally convened gatherings of "loyal Mussalmans" to express their servile feelings towards the new masters. Occasionally they also piteously craved for better treatment from their masters, protested against any suspicion against them of independence of spirit, and also asked for some petty favours.

It is sometimes said that Sir Syed Ahmad Khan was the pioneer of the Two-Nation theory, because he opposed Muslim participation in the Indian National Congress, and claimed separate official treatment for his community. But it should not be forgotten that the only political organisation which he founded in his life was "the Indian Patriotic Association". The following aims and objects of this association were published in the Aligarh Institute Gazette of 28th August 1888, pages 970-971:—

(*a*) to publish and circulate pamphlets and other papers for information of the Members of Parliament, English journals and the people of Great Britain, in which those mis-statements will be pointed out by which the supporters of the Indian National Congress have wrongly attempted to convince the English people that all the nations of India and the Indian chiefs and rulers agree with the aims and objects of the National Congress.

(*b*) to inform members of Parliament and the newspapers of Great Britain and its people by the same means of the opinions of Muhammadans in general, of the Islamia Anjumans, and those Hindus, and their societies which are opposed to the objects of the National Congress.

(*c*) to strive to preserve peace in India and to strengthen the British rule; and to remove those bad feelings from the hearts of the Indian

people, which the supporters of the Congress are stirring up throughout the country and by which great dissatisfaction is being raised among the people against the British Government.

Sir Syed was all for spreading "westernised education" among the Muslims and claiming their share in the recruitment to services. He, however, did not have a clear conception of the Two Nation theory as the following quotations from "The Eminent Mussalmans" pages 32-33 will show.

In his speech at Gurdaspur on January 27, 1884, he said:—

"We (i.e. Hindus and Mohammadans) should try to become one heart and soul, and act in union,.......................

"In old historical books and traditions you will have read and heard, and we see it even now, that all the people inhabiting one country are designated by the term One Nation.

"The different tribes of Afghanistan are termed one nation, and so the miscellaneous hordes peopling Iran, distinguished by the term Persians, though abounding in variety of thoughts and religions, are still known as members of one nation. Though people of other countries also do come and settle with them, but being mixed together they are called members of one and the same nation.

"So that from the oldest times the word nation is applied to the inhabitants of one country, though they differ in some pecularities which are characteristics of their own.

"Hindu and Mohamedan brethern, do you people any country other than Hindustan? Do you not inhabit the same land? Are you not burned and buried on the same soil? Do you not tread the same ground and live upon the same soil?

"Remember that the words Hindu and Mohamedan are only meant for religious distinction—otherwise all persons, whether Hindu and Mohamedan, even the Christians who reside in this country, are all in this particular respect belonging to one and the same nation. (Cheers).

"Then all these different sects can only be described as one nation ; they must each and all unite for the good of the country which is common to all."

Again, in a speech at Lahore (1884) in reply to an address of the Indian Association he said:—

"Even granting that the majority of those composing this Associan are Hindus, still I say that this light has been diffused by the same whom I call by the epithet of Bengalees.

"I assure you that Bangalees are the only people in our country, of whom we can properly be proud and it is only due to them that knowledge, liberty and patriotism have progressed in our country. I can truly say that really they are the head and crown of all, the different communities of Hindustan.

"I myself was fully cognisant of all those difficulties which obstructed my way, but notwithstanding these, I heartily wished to serve my country and my nation faithfully. In the word Nation I include both Hindus and Mohamedans, because that is the only meaning which I can attach to it.

"With me it is not so much worth considering what is their religious faith, because we do not see anything of it. What we do see is that we inhabit the same lands, are subject to the rule of the same Governors, the fountains of benefits for all are the same, and the pangs of famine also we suffer equally.

"These are the different grounds upon which, I call both those races which inhabit India by one word i.e. Hindu: meaning to say that they are the inhabitants of Hindustan.

"While in the Legislative Council I was always anxious for the prosperity of this Nation."

It was in 1876, twenty years after the Mutiny that the first Muslim political organisation in the Indo-Pakistan sub-Continent was formed by Syed Amir Ali. The name of the organization was the Central Mohammadan National Association. Within 11 years the branches of

his organization had spread all over the country. In 1887 it established a very energetic and influential branch in the province of the Punjab.

It was this political organization of the Indian Mussalmans which immediately after the formation of the Indian National Congress in 1885 joined issue with it.

It is a remarkable fact of history, strangely ignored so far by political historians, that it was the Indian Mussalmans who gave a political lead to India by establishing a political organization in the country in 1876. The Indian National Congress was formed ten years afterwards. Again in August 1920, the Jamiat-ul-Ulema-e-Hind under the leadership of Maulana Muhammad Ali Johar started the First Civil Disobdience and Non-Cooperation Movement, one month earlier than the Indian National Congress and Mr. Gandhi, who followed the example set by Muslims.

It was Syed Amir Ali who took the lead in challenging the Indian National Congress' claim for representing the "Indian Nation". Sir Syed thus followed Syed Amir Ali in his opposition to the Indian National Congress.

When the joint indirect electorate provided in the Council's Act 1892 failed to secure adequate representation for the Mohammadans in the provincial and the central Legislative Councils, it was again Syed Amir Ali who took the lead in demanding separate electorates for Mussalmans. This is proved by the following extract from the Simon Commission Report's note on the history of separate Mohammadan representation:—

> "Serious objection, however, was taken to this proposal by the Muhammadan community, and on January 27, 1909, a deputation of the All-India Muslim League, headed by the late Mr. Ameer Ali (afterwards the Right Hon. Sir Ameer Ali), interviewed the Secretary of State to protest against it.
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> "The members of the deputation insisted that joint electorates would not select Muhammadans who would satisfactorily represent their community, and also protested against Moslem representation being fixed on a population basis, urging that this did not give due

weight to the political and military importance of their community".

Their aim may be given in Mr. Ameer Ali's own words :

"We therefore submit, as a standard of adequate representation, that the number of Muhammadan members on the several councils should be so fixed that, if the Muhammadans were to join a certain number of what may be called 'non-partisan' members or to receive their support on any particular question, the issue may be decided accordingly".

"As a result of this opposition the proposal was subsequently dropped.

"Accordingly, the Act of 1909, and the regulations made thereunder, embodied in substance the Government of India's scheme (which was supported by Mr. Gokhale) of giving Muhammadans separate electorates, while retaining their right to vote also in the general electorates."

It is interesting to observe that Syed Amir Ali who was the originator and the author of the Two-Nation theory in the last century, and who in the beginning of the present century was more than any other single individual responsible for the introduction of separate electorates, did not believe that Separate Nationhood should be pursued in issues which concern the foundation of the State. Even separate electorates were in his view a temporary device for safeguarding the interests of Mussalmans, as is evident from the following quotation copied from page 162 of "Eminent Mussalmans". These were his views in 1909, soon after he had secured the greatest triumph of his life in getting separate electorates incorporated into the Minto-Morley Reforms of 1909 :—

"I trust that the two communities, whom the constitutional experiment (referring to the Reforms of 1909) mainly affects will work together in harmony and concord to make it a success.

"By bringing the representatives of the two peoples into the Council chambers and on the public platforms on fairly assured terms, it will, I venture to hope, lead to the growth of that spirit of compromise and mutual toleration on which depends the ultimate success of the reforms, and without which the welfare and progress of the country will be in jeopardy."

Mohammadans *Versus* Indian National Congress

Soon after the establishment of the Indian National Congress in 1885, it became evident that it was primarily an organization of the Hindus. When Syed Amir Ali, founder of the Central Mohammadan National Association refused to join the Congress, held it unhelpful for Muslim political requirements, and Sir Syed Ahmad Khan soon followed suit to oppose it, the Congress leaders realised that they could not substantiate their claim as representatives of the "Indian nation", unless the Indian Mohammadan community could be prevailed upon to participate in the Congress. It was in pursuance of this policy that Justice Badruddin Tayyubji was elected President of the 1887 Congress Session at Madras. In 1896 again a Mussalman, Rahimtullah Mohamed Sayani, was elected President of the Congress Session at Calcutta. Both these gentlemen came from Mohammadan families of Bombay.

In 1889 at the 4th Session of the Indian National Congress, Resolution XIII read as follows :—

> "That no subject shall be passed for discussion by the Subject Committee or allowed to be discussed at any Congress by the President thereof, to the introduction of which Hindu or Muhammadan delegates as a body object unanimously, and that if after the discussion of any subject which has been admitted for discussion it shall appear that all the Hindus or all the Muhammadans delegates as a body are unanimously or nearly unanimously opposed to, the resolution shall be dropped, provided that this rule shall refer only to subjects in regard to which the Congress has not already definitely pronounced an opinion."

In 1893 there was a lengthy correspondence between the Secretary of the Punjab Mohammadan National Association and Bakhshi Jaishi Ram (father of Justice Bakhshi Tek Chand) who was a prominent leader of the Congress at the time. It was primarily as a result of a reference to the above quoted Resolution that the Secretary of the Punjab Mohammadan National Association joined the Indian National Congress with a number of leading Mohammadan personalities. In 1901 when there was a proposal that the Indian National Congress should oppose the Punjab Land Alienation Bill, the Mohammadan delegates in the Indian National

Congress Committee, at a Session in Lahore, vetoed this proposal under the above quoted Resolution. The Congress did not oppose the Land Alienation Bill. It became an Act in the next year.

It was this Act which laid the foundation of the domination of the Mohammadan agrarian classes in Northern India. It paved the way for Muslim Ministeries in the Punjab, the N-W.F.P. and Sind. It was the work of these Muslim Ministries which in turn, secured the Mussalmans a substantial share in the administration of the respective Provinces, and the Central Government. It was this influence which later helped in the achievement of Pakistan.

Another reason for our reference to this historical Resolution is that it proposed "a formula of Muslim communal veto", which was later incorporated in the Lucknow Pact (1916) between the Congress and the Muslim League. Still later it came under discussion in 1927 when there were several efforts for a compromise between the Congress and the Mussalmans for a joint constitutional scheme for the whole of the country. It was again revived during the Round-Table discussions from 1930 to 1932.

In a way, the influence of this historical formula can further be traced to the Zonal Grouping Scheme in the British Government declaration of 1946.

From the historical and ideological point of view, it can be said that this formula of 1889 was of as much importance in breeding the Two-Nation theory as the separate electorates incorporated in the 1909 Indian Council's Act, and the Rajagopalacharia's formula in 1944 which finally conceded that Hindus & Muslims in India were separate navions.

Minto-Morley Reforms (Indian Councils Act, 1909)

Eight important developments took place between the enactment ofthe Indian Council's Act 1892 and the Indian Council's Act 1909, which in due course had far-reaching effect on Hindu-Muslim constitutional and political relations.

Lord Dufferin on the eve of his departure from India in 1888 drew the following picture of communal divergence in the country:—

"This population is composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting sources of usages, and even antagonistic material interests.

"But perhaps the most patent characteristic of our Indian cosmos is its division into two mighty political communities, as distant from each other as the poles asunder in their religious faith, their historical antecedents, their social organization, and their natural aptitudes; on the one hand the Hindus numbering 190 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste distinctions, and their habits of submission to successive conquerors—on the other hand, the Mohammadans, a nation of 50 millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their rememberance of the days when, enthroned at Delhi, they reigned supreme from the Himalayas to Cape Camorin.

"To these must be added a host of minor nationalities —most of them numbring millions—about as widely differentiated from one another by ethonological or political distinctions as are the Hindus from the Mohammadans, such as the Sikhs, with their warlike habits and traditions and their enthusiastic religious belief—the Rohillas, the Pathans, the Assamese—the Baluchees, and other wild and martial tribes on our frontiers—the hillmen dwelling in the folds of the Himalayas—our subjects in Burma, Mongol in race and Budhist in religion—the Khonds, Mhairs, and Bheels, and other non-Aryan peoples in the centre and south of India—and the enterprising Parsees, with their rapidly developing manufactures and commercial interests.

"Again, amongst these numerous communities may be found at one and the same moment all the various stages of civilization through which Mankind has passed from the pre-historic ages to the present day. At one end of the scale we have the naked savage hillman, with his stone weapons, his head-hunting, his polyandrous habits, and his childish superstition; and at the other, the Europeanised native gentleman, with his English costume, his advanced

democratic ideas, his Western philosophy, and his literary culture; while between the two lie layer upon layer or in close juxtaposition, wandering communities with their flocks of goats and moving tents; collections of undisciplined warriors, with their blood feuds, their clan organization, and loose tribal government; feudal chiefs and barons with their retainers, their seignorial jurisdiction, and their mediaeval notions; and modernized country gentlemen and enterprising merchants and manufacturers, with their well-managed estates and prosperous enterprises."

The first development took place when the same Lord Dufferin, in response to repeated representations from the Mohammadan National Association issued a resolution recommending special stipends and educational facilities for the under-developed communities like the Mussalmans and other backward castes. Till Lord Minto's reply to the Muslim League deputation in 1906, this resolution of Lord Dufferin was considered to be the mainstay of the communal claims of the Mussalmans.

The second important development was the passing of the Punjab Land Alienation Act in 1902 as a result of long agitation by the zamindars of Northern India, who complained that the British law and economic system had favoured Hindu money-lenders against many zamindars. The result had been that the Muslim zamindars of all classes had been impoverished and considerable areas of agrarian land had come into the ownership of Hindu Banias, who could not cultivate it themselves. Thus the curse of Benami ownership was destroying agriculture. The Land Alienation Act, 1902 for the first time created the Muslim land owning class, with a special claim on the authority of the Government. This resulted in alienating Muslim sympathies from the Indian National Congress. For the next ten years the Muslims as a community did not take part in any anti-British movement.

Thirdly the partition of the Bengal in 1905, and the creation of the Muslim Province of East Bengal, further gratified the Muslim nation as a whole, in their relations with the British Indian Government. The Hindu Bengalees violently reacted against the partition of the Province. On the one hand they started the Swadeshi movement in their boycott of Western goods. Simultaneously they started secret revolutionary societies which murdered British officials, and threw bombs at them. The years 1907 to 1910 were admittedly the most troubled in the history of British Indian administration.

In 1906, Lord Minto who was the Viceroy, appointed a sub-committee of his Executive Council to consider the necessity for further reforms in the Legislative Councils. A Mohammadan deputation (It is a misnomer to call it a Muslim League deputation, because the Muslim League was formed afterwards as a result of the activities of this deputation) led by His Highness the Agha Khan and sponsored by Nawab Mohsin-ul-Mulk Mehdi Ali Khan interviewed the Viceroy at Simla in 1906.

The deputation made the following demands:—

(*i*) Communal representation in accordance with their numerical strength, social position and local influence, on District and Municipal Boards.

(*ii*) An assurance of Muhammadan representation on the governing bodies of the Universities.

(*iii*) Communal representation on Provincial Councils,election being by special electoral colleges composed of Muhammadan landlords, lawyers, merchants, and representatives of other important interests, university graduates of a certain standing and members of District and Municipal Boards.

(*iv*) The number of Muhammadan representatives in the Imperial Legislative Council should not depend on their numerical strength, and Muhammadans should never be in an ineffective minority. They should be elected as far as possible (as opposed to being nominated), election being by special Muhammadan colleges composed of landowners, lawyers, merchants, members of provincial councils fellows of universities, etc.

The reasoning for its demands was as follows:—

(*i*) In the whole of India the Muhammadans amounted to between a fifth and a quarter of the population (at that time 62 millions out of 294 millions.)

(*ii*) The percentage of Muhammadans to Hindus was really larger than was usually admitted, owing to the classification of the Depressed Classes and Animists as Hindus.

(*iii*) The political importance of the community and its contribution to Imperial defence entitled it to a larger representation than that based on numbers alone...

(*iv*) Previous representation had been inadequate, and the persons nominated not always acceptable to the community.

(*v*) With joint electoral bodies, only Muhammadans sympathetic to the Hindus would ever be elected.

Lord Minto's reply was as follows:—

"The pith of your address, as I understand it, is a claim that under any system of representation, whether it effects a Municipality or a District Board or a Legislative Council, in which it is proposed to introduce or increase an electoral organization, the Muhammadan community should be represented as a community.

"You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent, and you justly claim that your position should be estimated not only on your numerical strength, but in respect to the *political importance* of your community and *the services it has rendered to the Empire*.

"I am entirely in accord with you. Please do not misunderstand me. I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this Continent."

Fourthly the British discomfiture during the Second Afghan War (Maiwend) on 27 July, 1880 and the victory of the Japanese in the Russo-Japanese War in 1905, had tremendous influence on all Asiatic minds. The continuous victories of the European powers since the middle of the 18th century had convinced most of the natives that the Europeans were a superior race whom the coloured races could never match in

worldly power and prosperity. When Japan who had acquired Western science and material civilization only since about half a century, defeated Russia on land as well as sea, the spell was broken. This had tremendous effect on Indian public opinion, who now started demanding democratic rule. With the prospect of independence, both Hindus as well as Muslims began to think of the future as rival successors of British power, rather than as joint subjects of the same sovereign.

Fifthly, in addition to these factors, Swami Daya Nand had founded the Arya Samaj in the eighties of the last century . This movement for the reformation of the Hindu religion, introduced items like proselytization which were earlier conspicuous by their absence in the Hindu society. The movement also set up a better organized religious structure among the Hindus, which vigorously agitated for Hindu communal privileges. The result was that the Hindu-Muslim harmony inherited from the past centuries was disturbed.

Sixthly, ever since 1864, the Hindus had been agitating that the Dev Nagri script should have equal status with Urdu in all the official records. Sir Syed Ahmad in his days had strongly opposed this move. After the death of Sir Syed Ahmad in 1897, the Hindus stepped up this agitation. By 1904 it had reached a new peak of enthusiasm. The U.P. Government took certain steps which had the appearance of appeasing the Hindu community on this point. Nawab Mohsin-ul-Mulk Mehdi Ali, who at the time was the Secretary of the M.A.O. College criticised this move so strongly that his personal relations with the Governor of the Province were marred. This controversy was also instrumental in disturbing Hindu Muslim cordiality.

Seventhly, another auxiliary influence which emphasised Hindu-Muslim schism was that from the year 1887 onwards, Hindu-Muslim riots began to take place on such occasions as Dussehra, Moharram, cow-sacrifice during I'd , and Diwali. The riots in 1887, 1888, 1897, and 1907 were fairly widespread and acrimonious. Certain historians are of the view that the British wilfully sponsored these communal riots to draw both the communities nearer to the Imperial power. Others think that it was the impact of the Western conception of national narrowness on the context of religious communities in India, that produced the phenomenon of communal riots. Be that as it might, there is no doubt that these communal riots played a very large part in creating political hostility between the Hindus and the Muslims.

Eighthly, still another remarkable development was that during the Hindu intelligentsia's protest against the partition of Bengal, the word 'nation' was used, in the political sense, for the first time, in referring to the Hindu Bengal's solidarity. During the anti-partition campaign, mass signatures were obtained on the following pledge:—

> "Whereas the Government have thought fit to effectuate the partition of Bengal in spite of the universal protest of the *Bengal Nation*, we hereby pledge and proclaim that we as a people shall do every thing in our power to counteract the evil effects of the dismemberment of our Province, and to maintain the intergrity of our race. God help us."
>
> (*Amrit Bazar Patrika-Annual Number for* 1946 *Pages* 68 *and* 69).

With this background let us come back to the Simla deputation organized by Nawab Mohsin-ul-Mulk Mehdi Ali, forthe purpose of demanding separate electorate from Lord Minto. We have noted earlier that the Viceroy's Executive Council had appointed a sub-committee for considering proposals for Constitutional Reforms. In the words of the Simon Commission Report, this sub-committee decided that: "Muhammadans hitherto had not been sufficiently represented, either in quantity or quality, in the Provincial Councils". Therefore, in addition to the seats that might be secured by Muhammadans from the general constituencies, certain seats should be reserved for Muhammadan representatives elected by separate electorates.

"The Committee suggested as electoral qualifications, the payment of land revenue, or income-tax or the possession of a university degree. In the Imperial (Central) Legislative Council of 46 seats, the Committee porposed to allot four seats specially to Muhammadans, of which two were to be filled by nomination. The electorate was to be composed of the Muhammadan non-official Provincial Councillors, Muhammadan fellows of Universities, and Muhammadans paying income-tax or revenue, above a certain figure."

The Government of India favoured these proposals of its own subcommittee, but asked for the views of the Provincial Governments and instructed them to reply after consulting important local bodies, and representative individuals of various classes.

The Provincial Governments supported the general scheme, though some of them were doubtful as to the advisibility of organising separate Muhammadan electorates. Therefore, the final recommendation of the Government of India was that while separate electorates should be organised where possible, in other cases the Muslim representatives might be selected by the Muhammadan National Association of the area. Where neither of these courses was possible, recourse should be had to nomination.

In 1906, a Liberal Government had come into power in England. Lord Morley was the Secretary of State for India. In his Despatch dated November 27, 1908, he accepted "the principle of securing adequate Muhammadan representation", but "expressed doubts as to the suggestion for separate Muhammadan electorate, partly because of difficulties of organisation in the Provinces where the community was thinly scattered, and partly because the proposal would give Muhammadans a Double Vote," one in the general seats, and one in the communal seats.

The solution presented by the Secretary of State was that in each territorial constituency an electoral college should be created by a genreal (joint) vote, but with communal proportions, corresponding to the numerical strength of the Hindus and the Muslims in the area. The franchise should include substantial land-holders paying a certain amount of land-revenue, members of rural or sub-divisional Boards, members of Local Boards, and members of Municipal Corporations. These electoral colleges would in their turn elect their representatives to the Provincial Councils, the members being free to vote for any candidate, but the seats having been previously allotted on a communal basis.

We have seen how Syed Amir Ali fought against this infilteration of joint electorate into Muhammadan seats. It has to be noted that Mr. Gokhale had also very generously supported separate electorate for Muhammadans. M. Gokhale at the time occupied the same position in the Indian National Congress, which was later attained by Tilak, and still later by Mr. Gandhi.

The regulations under the Indian Councils' Act of 1909 (popularly called the Minto Morley Reforms) gave Mussalmans communal seats, and separate electorates, in addition to their normal share in the general seats. This applied to all Provinces possessing a Legislative Council (no Legislative Council was constituted in the Central Provinces until 1914; and

special protection was considered unnecessary in the Punjab). The general non-communal, joint electorate was composed of big landlords, members of groups of Municipalities, District Boards, Universities, and Chambers of Commerce. Thus election was almost entirely indirect in the general seats.

On the other hand, direct election operated in the Muhammadan communal constituencies, where separate electorate prevailed. In Bengal, the election of Muhammadans, was first indirect by a body of delegates elected by the general Muhammadan electorate. But this was afterwards abandoned in favour of direct electorate, as in the other Provinces.

The Simon Commission Report observes that: "this contrast, specially that of the Double Vote, aroused considerable resentment in India".

The separate representation obtained by Muhammadans in the Imperial (Central) Council was five seats; one for each of the three Presendencies; one for the United Provinces; and one for Bihar and Orissa.

In the Provincial Councils: Madras and Assam were to have two Muhammadan members; Bombay, Bihar and Orissa, and the United Provinces four each; and Bengal five.

The Simon Commission Report concludes on this subject with the remarks:—

"Firstly, the scheme was merely a further application of the principle of representation by 'classes and interests', the previous arrangements not having been satisfactory..

> "Secondly, the 'political importance' of the community carried greater weight, than its 'numerical strength' in fixing the extent of the representation to be granted.
>
> "And, thirdly, the reconstruction of the Councils was not intended as a step in the direction of the establishment of parliamentary government in India.

"In Lord Morley's famous phrase; "If it could be said that this chapter of Reforms led directly or indirectly to the establishment of a parliamentary system in India, I for one would have nothing to do with it."

The following table gives the composition of the Provincial Legislative Councils under the Minto-Morley Constitution:—

Province	Ex-officio	Nominated	Elected	Experts	Total
Madras ..	5	21 (not more than 16 officials)	21	2	49
Bombay ..	5	21 „ 15 „	21	2	49
Bengal ..	5	20 „ 16 „	28	2	54
United Prov nces	1	26 „ 20 „	21	2	50
Punjab ..	1	16 „ 10 „	8	2	27
Bihar & Or'ssa ..	4	10 „ 15 „	21	1	45
Assam ..	1	13 „ 9 „	11	1	26
Central Provinces	1	17 „ 10 „	7	1	26
Burma ..	1	14 „ 6 „	1	2	18

Muhammadans were given two communal constituencies in Madras, four in Bombay, five in Bengal, four in United Provinces, two in Assam, and four in Bihar and Orissa. The usual constituencies were Municipalities, District Boards, Universities, landholders, and special interests such as Chambers of Commerce.

Constitutional Changes

Having studied the communal aspect of the Indian Councils Act 1909 (Minto-Morley Reforms), a brief reference to the constitutional changes involved in the same measure will not be out of place here. These constitutional changes, led to the demand for fresh constitutional development, and the consequent rivalry be ween the Hindus and the Muslims which was the basis of the demand for separate electorate.

The Indian Councils Act 1909 provided that *Additional Members* of the Legislative Council instead of being all nominated shall in future include members nominated, as wel as elected, in accordance with the regulations made under the Act The maximum number of *Additional Members* for each Legislative Council was laid down in the Act, but the details were left to the rules to be made under the Act. The maximum fixed for he Legislative Council of the Governor-General was 60. For Madras, Bombay, Bengal, U.P., Eastern Bengal and Assam it was 50 For the Punjab it was 30

Members of the Executive Councils of Madras and Bombay were not to exceed four in number, of these at least two were to be persons, who at he time of their appointment had been in the service of the Crown in India for not less than 12 years.

In case of equality of votes at a meeting of the Executive Council, the President was to have a casting vote.

By the regulations made under the Act, the actual number of the *Additional Members* in the Legislative Council of the Governor-General was fixed at 60; of whom not less than 25 were to be elected, and no more than 35 nominated. Among the nominated members, the officials were not to be more than 28, and the non-officials were not to be so many as would make a non-official majority in the Council.

Thirteen seats were allotted to the first category of electorates which included the Provincial Legislative Councils, the District Councils, and Municipal Committee of the Central Province. Seven seats were allotted to the category of electorate: which included the land-holders of Madras, Bombay, U.P., Bihar and Orissa and the Central Province. Five seats were allotted to the category of electorates, which included the Muhammadan Community of Bengal, Bombay, Madras, U.P., and Bihar and Orissa. Two seats were allotted to the category of electorate, which included the Chambers of Commerce of Bengal and Bombay.

The term of office of the *Additional Members* was three years. In the case of official members or members nominated as experts, it was three years, or less than three years, at the discretion of the Governor-General. The vote in the Provincial Legislatures for electing representatives to the Centre was only to be exercised by non-official members.

The Finance Member was every year to present to the Legislative Council a preliminary Financial Estimate of the Government of India for the next financial year, together with an Explanatory Memorandum. Members could move resolutions relating to alternative taxation, for which they had to give a notice of at least two clear days.

The President cou'd disallow any Resolution or part of a Resolution, without giving any reason. A Resolution, if carried by majority was to take effect only as a recommendation to the Government.

This was to be followed by the presentation of the Budget. On this occasion the Finance Member was to explain why any resolution passed by the Council had not been accepted. Then general discussion ensued. Any member could offer "observations" on the Budget, but no Resolution could be moved in regard thereto, nor was the Budget submitted to the vote of the Council.

Certain heads of revenue were not open to discussion, e.g., stamps, customs, tributes from native States, army, marine, military matters. Certain heads of expenditure were also similarly excluded, e.g., Debt, Ecclesiastical charges, Defence Railways, political pensions, etc.

Members could also move Resolutions for specific recommendations o the Governor-General-in-Council, after a clear notice of 15 days before a meeting of the Council, and subject to the permission of the President. Even if carried, a Resolution had the effect only of a recommendation.

Rules were also made for the asking of questions at the meetings of the Legislative Council. Supplementary questions could be asked, but an Executive Councillor could refuse to answer. The President could also disallow.

The rules for Provincial Councils were similar to the above-mentioned rules for the Central Council, except that the preliminary Financial Statemen was to be submitted to a Finance Committee appointed for the purpose, and its recommendations considered by the Provincial Govern ment, before presenting the Budget.

Hitherto official majorities had existed in all the Provinces, except Bombay. The new regulations created non-official majorities, and in Bengal it was a clear elected majority.

The following comment from the Montagu Chelmsford Report (1918) throws interesting light on the intentions underlying the Minto-Morley Reforms :—

> "......They hoped to blend the principle of autocracy derived from Moghal Emperors and Hindu kings, with the principle of constitutionalism derived from the British Crown and the Parliament; to create a constitutional autocracy, which

differing......from Asiatic despotism, should bind itself to govern by rules......

"They hoped to create a constitution about which conservative (Indian) opinion would crystallize and offer substantial opposition to any further change.

"They anticipated that the aristocratic element in the society and the moderate men, for whom there was then no place in Indian politics, would range themselves on the side of the Government, and oppose any further shifting of the balance of power, and any attempt to democratize Indian institutions."

Krishan Gopal Gokhale, who was the top-most Indian National Congress Leader of the day, while speaking at the Madras Congress made the following observation on the incorporation of communal electorate in the Minto Morley Reforms :—

"Then about the electoral colleges and the representation of class interests, it is all very well to say that the end we have in view is absolute unity in the country—union among all different elements.

"We have many other ends in view in life, and the followers of a certain religion expect the millennium one day, but we have to deal with the existing facts as they are.

"There are acute class differences in the country to-day, and any scheme of representation which secures to important classes proper representation by means of election—representation by men in whom they have confidence—any scheme of this description which secures this really, in my opinion promotes the true interest of unity in the country. It removes the causes of bickering, the sourness of feeling that otherwise would exist there."

Muslim Political Ideology for 50 Years After 1857

We have described the communal aspects of the Muslim constitutional ideology *vis-a-vis* the Hindus in the foregoing pages. But separate electorate which was the final outcome of that political ideology, was directly the outcome of the Muslim attitude towards, the British ruling power. The one cannot be fully understood, without comprehending the other. Therefore I take this opportunity to analyse Muslim sentiments towards their alien rulers.

The Muslims were the rulers of the country before the British snatched authority from them. One would expect that the Muslims should be the natural enemies of the British. This was true of the masses. But we have noted earlier that after the series of catastrophic defeats of Plassey (1757), Sirangapattam (1799), Balakot (1831), and finally the unsuccessful Revolt of 1857, the Muslims were not left in a position to offer any collective physical resistance to the new conquerers.

Whatever might be the attitude of the people as a whole, the leadership without a single exception unconditionally bowed their head to the inevitable. This is proved by the following extract from the pronouncements of eminent Muslim leaders:—

1. Mir Turab Ali Khan Salar Jung (1829—1883) who was primarily responsible as the Prime Minister of Hyderabad Daccan for the victory of the British in the 1857 struggle, and during his life time was considered the most prominent Muslim leader in the Sub-Continent, always took pride in his loyalty to the British Crown. When he visited Europe in 1876, one of the leading London journals remarked:—

> "Our new guest is the man who, when Dehli had fallen, and our power was for a moment in the balance, saved Southern India for England."

2. Nawab Mohsin-ul-Mulk Syed Mehdi Ali (1837—1907) who is considered to be the most radical Muslim leader of the period, and who despite his great respect and loyalty to Sir Syed Ahmad, did not spare a quarrel on religious issues, wrote on June 26, 1906 in the "The Englishman" as follows:—

> "It is impossible for any man of even very common understanding to think that the Sultan of Turkey is the Khalifa of the Indian Mussalmans, or that the Muhammadans can call him their Khalifa in the real sense of the term.
>
> "Evidently, the Sultan cannot exercise any of the powers and prerogatives of the Khalifa over the Muhammadans of this country, nor are they in any matter bound by their religion to obey the Sultan.

> "They are subjects of the King Emperor, and owe their allegiance to him alone.
>
> "The commands of the King Emperor religiously bind upon them, and I think there is hardly any single Muhammadan who thinks or wants to act as they appear otherwise."

3. Sir Syed Ahmad (1817—1897) in his historical speech at Lucknow in 1888 went so far as to say that the Mussalmans had no political requirements of which the British Government was not cognizant. He openly affirmed his loyalty to the British Crown, and claimed that no favour was worth striving for, if it interfered with the Muslim loyalty to the British.

4. The loyalty of the late Sir Agha Khan to the British Crown is too well-known to require any quotation from his pronouncements.

5. Even Justice Badruddin Tayyubji (1844—1909) who was the first Muslim President of the Indian National Congress (1887) spoke as follows at a meeting of the East India Association in March 1909:—

> "......In looking at the acts of the Government, it does not do either for young India, or for the matter of that middle-aged India, or old India, always to fix its eyes upon the faults of the Government, and entirely to forget the blessings which we enjoy under the aegis of the British Government.

Our motive in quoting these pronouncements of the pioneers in Muslim leadership, is not in any way to criticise their reconciliation to alien slavery. It is all too easy for us who enjoy the fruits of independence, to decry any loyalty whatsoever to the period of British Government in India. But let us for a while, sympathetically consider the situation of those who lived under the mighty British Empire, and had to struggle laboriously for the welfare of their people under the prevailing circumstances.

I have touched upon this aspect of Muslim ideology for 50 years after the Revolt of 1857, simply to bring out that political ideology is not something permanent or eternal, it is relevant to the circumstances.

The very Mussalmans, who had upto 1857 fought most valianty the British advent into the sub-Continent, took the lead in affirming their

loyalty and subservience to the British Empire, because they realised that without adopting Western democratic institutions, without modern education, there was no hope of their survival as a territorial nation.

The question arises, how can these variations in the interpretation of Islamic ideology be reconciled? I have already in the very beginning of this chapter noted that it is the faith of *Islam* which is eternal, and not the thought of Muslims which is permanent beyond its historical periods. Wilfred Cantwell Smith, who has the advantage among Western Orientalists of having resided at Lahore for a considerable long time, in "Modern Islam in India and Pakistan" gives the following rational and economic explanation of the same formula:—

"The young Indian Muslims of to-day, living different lives, think different thoughts from those of their fathers and grand-fathers, years before them. And the latter's lives and thoughts were different also from those of their grand-fathers 50 years still earlier.

"The history of ideas in Indian Islam during the period of British rule in India presents........ new aspects or stages—each corresponding to a major new development in the social enrvironment....

"The first reactionary movement......began in the early 19th century, flourished fully only among the lower classes, and was a protest, vehement and well-organised......against the exceedingly low level to which society had been reduced.

"The movement is often called Wahabi, but it was spontaneous and indigenous, though the leaders soon came in touch with the Arabian parellel of that name, and appreciated the similarities.

"It is the culmination of the first main period into which the economic history of modern India may be divided: that of Merchant Capitalism, from the beginning of East India Company rule on into the early 19th century, when the political chaos and the overseas traders drained India of her wealth, and gradually reduced her to a land of increditble prostration.

"Culture withered, and religion as always in a moribund society, became hopelessly corrupt. The Wahabi protest began as an

attack on the religious corruption, taking the form of a puritanical rejection of all accretions to, and all the declensions from 'pure' Islam, with a desired return to the simplicity of faith (and society) of the Prophet's Arabia.

"Before long the movement become increasingly political and social, was turned against the 'infidel rulers' of the various States, and was accompanied by furious risings of the peasants against their landlords—whether infidel or not.

"In the north it was acompanied also by various attacks on the new machines and their owners, by distrought handi-craftsmen, facing increasing unemployment.

"Having become such a workers' and peasants' movement, it was supressed with the usual vigour.

"But it continued to smoulder ; and its impetus was used by the old conservative forces in the 'Mutiny', their last bid for power and for a rehabilitation of the society which had given them status.

"The second phase of British Imperialism in India was the 19th century period, of British Industrial Capitalism, during which Great Britain was selling the goods that she was manufacturing after her Industrial Revolution.

"India became predominantly a market. This phase produced in India a new middle class, and was accompanied by the infilteration of British liberal culture.

"The class of men that developed, first clerks in the bureacracy, and then small traders, small bourgeois on the out-skirts of the new exploitation, and rising to considerable status as administrators; merchants and professionals; were dependent on British Imperialism for their function, and were themselves without religious forms and ideologies suited to them.

"The first major development, in Islamic modernism therefore.... was the working out of a "Liberal Islam" compatible with the 19th century West, similar to it in general outlook, and especially

in harmony with its science, its business methods, and its humanitarianism.

"This was done by separating out principles from the letter of the law, and attending to them only ; disengaging the religion from its feudal manifestation, and especially from the corruption of the recent decadence ; repudiating from Islam as later accretions or misinterpretations, all that prohibited or ran counter to Western bourgeois principles ; and stressing the while, the similarity of the fundamentals of all religions, specifically Islam and Christianity.

"Above all there was a change of attitude ; this wordly, dynamic approach, that was new. The outstanding figure in connection with this movement is Sir Syed Ahmed Khan, with his liberal Aligarh School in the latter part of the last century.

"The next phase of Islamic modernism came later when the Indian bourgeois was advancing, developing its own strength and independence.

"British Imperialism had from the late 19th century entered a new phase of Finance Capitalism, under which an Indian Industrialism, however petty, was brought into being—and with it an Indian middle class becoming less dependent on, more a rival to, the British bourgeois.

"Now there was elaborated an Islam, not only campatible, but considered to be the very source of, Western liberalism, and Christianty was painted as definitely a rival and an inferior religion.

"This was accompanied by a burst of enthusiaism for the glory of Islamic culture in the past, and particularly the brilliant Abbasi age, from which modern science, and civilization were now said to be derived (Amir Ali, Dr. Iqbal).

"The recent progressive phase of Islamic modernism......has reflected the growing frustration of even the Indian bourgeois, and has belonged to that class of young-men for whom capitalism not expanding fast enough, has no room ; to whom it offers no opportunity. They have been looking, therefore, to abolishing the present society, and building a new one, near their desires.

"This movement has repudiated not only the West, as did the preceding one, but also Westernism itself. Instead of claiming liberalism as its own, as Islamic ; it supersedes liberalism with a new and creative vision.

"Its pride is no longer in the Abbasi culture of the Muslims, for that was 'too imperialistic'. Rather it has embraced the very early period of Islam, the Khilafat-al-Rashidah, and dubs all subsequent Islamic history as an aberration (Islamic socialism)......

"......In an agricultural community, life is by and large static. The problems which the peasants faces one day are more or less similar to those that he faces another, even to those that his ancestors faced, and which consequently the accumulated wisdom of society has solved.

"In a peasant village, therefore, morality is a system, which can be codified and imposed by authority in every sphere of life. He is under constant supervision, and even his leisure is formalised in public feasts.

"The same is true, though to a less extent, in the old towns, with their fixed modes of production and trade.

"With the advent of dynamic capitalism, all this was changed. Innumerable individuals became detatched from the traditional bodies, their ancestors had belonged to; and had to face life on their own account, deprived of the protection, as well as the supervision of any authoritative body. Thus the modern independent individual came into existence.

"Not only was the new individual without authority. The nature of his life—bourgeois society is constantly developing, changing, producing new and more complex situations—was such that he could never develop a new authority. At least not such a new authority, as the old had been—a fixed code with ready-made solutions to his problems.

"The individual himself became morally responsible, and had to decide questions on his own......being himself responsible,

he needed principles, guiding moral generalisations, with the details not yet worked out.

"Thus it is that Sir Syed in rejecting the old Fiqah did not replace it with a new one. Nor has any of his successors done so, but emphasized only the general principles of the Quran. The Prophetic Makkah Ayahs were quoted more and more, the legalistic Madina ones less.

"Sir Syed then, rejected all, but the Quran, as decisive in his religion. His second move was to proclaim the criterion of Reason and Nature.

"Members of earlier societies, whether Christian, Muslim, or whatever , had seen no objection to their authority being super-rational—some have even gloried in it; and it is a universal characteristic of religion in previous cultures to look upon miracles, as proofs of the Divine. . . . .

"With the advance of capitalism, however, and the science on which it is based, this attitude has been superseded by one which neglects as obvious accretions, anything which cannot be reconciled with Reason and the laws of the Science......

"......The same idea of conformity to Reason and Nature, was another ground for rejecting from Islam, a Morality that seemed to liberal reasoning untenable, such as aggressive warfare, slavery and the subjection of women......

"......The religion which was fashioned by Sir Syed was, as he intended that it should be, exclusively, and in fact, an Islam thoroughly compatible with progress, and specifically with that progress which consisted in adopting, to the extent that the Indian bourgeois was capable, the culture of 19th century British, with its new learning, its liberal and humanitarian morality, and its scientific rationalism.

"So much for his educational and religious position. There is value in examining further its political and economic implications. We have mentioned his continued endeavours to foster the Muslim

community under the aegis of the British. His attitude on this did not change. The situation in the country, however, did."

The Montegu-Chelmsford Reforms (Indian Councils Act 1919).

The decade that followed the 1909 Reforms was a "period of troubles." Many tendencies which had been growing underground since the beginning of the 20th century now sprouted suddenly into full view.

Three main trends can be discovered in the widespread convergence of events that crowded this period. Firstly, there was a general demand for reducing British influence in Indian affairs. Secondly, the Mussalmans who since 1870 had been most prominent in advocating loyalty to the British Crown, now turned hostile to the British Empire due to a series of internal and international developments. Thirdly, the political gulf between the Hindu and Muslim communities was bridged. The Muslim League, the Congress, the Khilafat Committee, the Home Rule Movement, and the Jamiat-ul-Ulema-i-Hind, all combined in the Hijrat, non-cooperation, civil disobedience and other resistence movements against the foreign ruling power.

Background

For a hundred years from 1757 to 1857 the Hindus had been the favoured agents of British invaders for upsetting Muslim social, economic, and political solidarity. The Hindu forces of renaissance were only too willing to serve in this capacity. It were their Muslim masters who in every direction blocked the revival of Hindu political power, In 1761, Ahmad Shah Abdali, the Muslim King of Northern India and Afghanistan, destroyed Mahratta power in the Third Battle of Panipat, never to rise again. Though the Sikhs raised their head after their discomfiture in 1762 following a clash with the same Muslim power, yet the Muslim Wahabi Movement on their northern borders, and the Muslim Mirs of Baluchistan and Sind blocked the further expansion of the Sikh Empire. In Southern India it were Tipu Sultan and the Nizam of Hyderabad who ruled over a vast majority of Hindu subjects. In Bengal also a Muslim Nawab governed, till he was ousted after the battle of Plassey in 1757. The Muslims dominated as landlords, military leaders, merchants and artisans. Hence it was natural that Umichand in Bengal, Pournia in Mysore, and the Hindu merchants of Karachi cooperated with the

British for their conquest of Bengal, Mysore and Sind, respectively. Similar motives prompted Jat Mal to serve as a British spy during the 1857 Revolt, and give evidence as a Crown Witness at the consequent trial of the last Mughal Emperor of Delhi. Sikh regiments were enthusiastically loyal to the British and proved most effective in the suppression of the 1857 uprisings.

By 1870 Hindu clerks specially Bengalis and Madrasis dominated the lower cadres of British administration, Hindu merchants had gathered wealth to an extent where they aspired to some recognition by the ruling power. The Hindu lawyers, journalists and scholars who were by now very well acquainted with British political thought, its tradition of liberty and constitutional agitation, claimed equality of citizenship with the British. In this predicament, the British found useful and willing allies in the Muslims whose aristrocracy, intelligentsia and upper middle-class had been completely wiped out in the ruthless period of oppression during the 20 years following the Revolt of 1857. The only leadership left among the Mussalmans was of elements who depended for their existence on the British.

During the period of Anglo-Muslim accord from 1870 to 1910, the principal gains for the Muhammadans were; firstly their dominant share in the Army, secondly the protection extended to the Muslim agrarian classes by the various Land Alienation Acts and other auxiliary legislation. Thirdly, the Mussalmans gained separate electorate in addition to their normal chance of representation from general constituencies. Fourthly, special efforts were made for recruitment of Muslims to government service, and educational opportunities for young Muslims. Fifthly Bengal was partitioned to give the Mussalmans a majority Muslim Province in the sub-Continent.

If all this good-will changed into hostility and hatred, within a short period after 1910, the reasons were that a Liberal Government had come into power in England by 1907, which was more impressed by the wealth and intellectual progress of Hindu leaders who were visiting England in larger numbers as compared with the Muslims. Secondly the Hindu arguments for the annulment of the partition of Bengal were couched in the language of territorial nationalism, which was better understood by the British mind, as compared with the Muslim claims for favoured treatment, because they were loyal to the British Crown. Such favouritism was against liberal thought, which was now making progress in England.

Thirdly, the rise of German naval power and the expansion of German commerce and industry were bringing England in clash with Imperial Germany, whose influence with the young Turk Government at Constantinople was now increasing because of the British bid to increase its authority in the Balkan peninsula and in the Middle East, at the cost of the integrity of the Turkish Empire.

Partition of Bengal

The origin of the proposal for the partition of Bengal had not much to do with the Mussalmans. It originated among the British I.C.S. as an administrative proposal to provide a hinterland to the Chittagong port, by attaching a few districts of Bengal with Assam. It got linked up with another old administrative proposal for reducing the size of the gigantic Province of United Bengal. It was Lord Curzon who adopted the baby, and insisted on keeping it alive.

But there is no doubt that soon after the implementation of the scheme in 1905, the Mussalmans came to feel that the creation of the first Muslim majority province in India was to their advantage. Muslim public opinion began hoping for the establishment of a Muslim University at Dacca. Muslim national leadership having been eliminated in the holocaust after the Revolt of 1857, the only new leadership available to the Muslims in British India consisted of those who could not think beyond separate educational schools, separate colleges, separate electorate, reserved seats in representative parties: all for the purpose of gaining weightage in recruitment to the various services. Even for this mited aspiration, the achievement of a separate Muslim province appeared hopeful.

The Hindu reaction was most violent against this "vivisection" from the very beginning. In a century and half of British rule, the Hindu Community had developed an intelligentsia consisting of pleaders, journalists, school teachers, and office clerks; who were very jealous of their newly acquired "nationalism". Sentimental literature had linked this nationalism with the revival of orthodox Hinduism. Under the leadership of this intelligentsia, the Hindus first boycotted English goods, then started violent attacks against British inhabitants. By 1907 violence had reached a markedly intense pitch. From 1908 onwards the British Indian Government had to bring on the Statute Book a number of repressive laws, for dealing with this emergency.

In 1906 a Liberal Ministry had come into power in England. They were scared by the continued violent agitation of Bengali Hindus, which was by now having repercussions in other parts of the country. They were also attracted by the apparent progress of the ideal of territorial nationalism among the Bengalis. The upshot was that in the Coronation Durbar at Delhi in 1911 (George V), the annulment of partition was formally declared. It was executed in 1912.

Although simultaneously with the annulment of the partition of Bengal, the Imperial capital was removed from Calcutta to Delhi, as an eye-wash for the Muslims; yet theMuslims were shocked and disconsolate.

The Muslim community as a whole became conscious that their policy of "loyalty to the British Indian Raj" was wrong in principle. From the Muslim point of view, British democratic policy meant that the friends should be taken for granted, and all the anxiety should be for placating the enemies. The Muslims learnt a lesson from this experience. They thought that if concessions could only be extorted from the British by opposition and violent agitation, then they should demonstrate that they could do it better than the Hindus.

Nawab Salimullah Khan of Dacca, the man responsible for the creation of the Muslim League and a most loyal pillar of the British rule in India, though confined to bed on account of illness since a long time, actually died of the shock that he received by the annulment of the partition of Bengal. Henceforward it was a parting of the ways with the traditional Muslim leadership. From 1910 onwards the Mussalmans created a new and young leadership which was anti-British with a vengeance. Maulana Muhammad Ali started his *Comrade*, followed soon after by the Urdu *Hamdard*. Maulana Zafar Ali converted the *Zamindar* in o an Urdu Daily from Lahore. Maulana Abul Kalam Azad embarked on his adventure of periodical journalism in the shape of *Al-Hilal*.

Another disappointment which embittered Muslims towards the British, was the continued refusal of the Government to establish a Muslim University in India. Perhaps the British were wary of repeating their experience of Hindu intelligentsia with the Muslims. A separate Muslim University meant speeding up of the creation of an intelligentsia among the Muslim community, who would be as critical of, and as hostile to, the alien rulers; as the Hindus had turned after a century of British liberal education.

Turkish Caliphate

Another issue which clouded the Muslims' cordial relationship with the British was the increasingly repeated clash between the British imperial designs on Turkish possessions round the Mediterranean, with Pan Islamic Muslim world solidarity.

A profound change had come over British policy towards Germany about the year 1907 when Edward VII took a cruise in the Mediterranean. The Anglo-Franch "Entente Cordiale" of 1904, now came in full swing. This coincided with the increase in German naval power beyond a point which the British considered safe for their maritime Empire.

As part of British preparations to meet the challenge of increasing German naval power to the security of the British Empire, in 1907 Britain also arrived at a world-wide understanding with Russia. As a result of this understanding, Persia was partitioned in 1909 between a southern "sphere of British influence", and a northern "zone of Russian influence." Evidently the Indian Mussalmans could not appreciate the merits of the British policy, which could partition a Muslim country for satisfying two Christian powers, and at the same time eliminate a Muslim Province to undo a partition that was not to the liking of the Hindus.

In 1911 Italy invaded Tripoli to share in the colonial exploitation of Africa, where almost all other European powers had already won "a place in the Sun". Italy was a member of the Triple Alliance with Germany and Austria. Britain was interested in weaning away Italy from her allies. Therefore British policy, though nominally neutral, was more sympathetic towards Italy than Turkey, who was the constitutional sovereign of Tripoli. This led to another Muslim grievance against all European powers, including Britain.

In 1912 the first Balkan War started. Greece and several other small Christian Balkan States attacked Turkey, under the instigation of larger Christian European powers. Britain was interested in consolidating the lifeline trade-route of her Empire, through promoting the de igns of G eece and other Balkan powers. Naturally Indian Muslims did not agree with this role of Britain either.

As a result of the inroads of European Christian powers into the Turkish Empire, there was an internal revolution in Turkey in 1912, and the pro-German party of the Young Turks succeeded in establishing a dictatorship of Anwar, Talaat and Jamal Pashas. Thus when the first World War was started in 1914, Turkish sympathies were, from the very beginning, with the Cent al powers of Europe. Ultimately this led to a Turkish declaration of Sacred War (*Jehad*) against Britain and her allies. The Indian Mussalmans considered the Turkish Khalifa as their Religious Head. His declaration of war against Britain was on behalf of Muslims, all over the world. Therefore, the Khilafat Movement in India openly declared that no good Muslim in the British Indian Army could obey orders to fight against Turkey in the Middle East. There were several incidents of mutiny. Muslim soldiers had to be court-mar ialled and shot.

In 1912 the Ali Brothers (Maulana Muhammad Ali and Maulana Shaukat Ali) had created the *Anjuman-e-Khuddam-i-Kaaba*. Its members took the oath to sacrifice life and property in defence of the holy Muslim Shrines (*Hermain-e-Sharifain*) against non-Muslim aggression. In course of time it merged with the bigger All-India Khilafat Movement. In December 1912 a Medical Mission under Dr. Ansari was sent by the Indian Mussalmans to look after the Turkish wounded soldiers in the First Balkan War.

In 1913 the District Magistrate of Cawnpur demolished a portion of the City Juma Mosque to clear the path for a highway. Muslim citizens under the leadership of Maulana Muhammad Ali came out *en masse*, to rebuild the demolished portion. They were fired upon by the Police. There were children among the crowd, who were wounded and killed. This led to a country-wide protest.

The feeling of resentment among the common Mussalmans was so widespread that even peaceful and moderate Muslims, like Hakim Ajmal Khan of Delhi jumped into he Khilafat Movement.

The Muslim Ulema from all over India organised themselves into Jamiat-ul-Ulema-i-Hind under the leadership of Maulana Muhammad Ali. Soon there was an understanding between the Khilafat Movement and the Indian National Congress, which was acting under the leadership

of Mr. Mohan Das Karam Chand Gandhi. To protest against the Jalianwala Bagh firing at Amritsar in 1919 the Jamiat-ul-Ulema-i-Hind passed a resolution for peaceful non-cooperation with, and civil disobedience against, the British Indian Government in August 1920. The Congress under the leadership of Mr. Gandhi passed a resolution one month after this. Mr. Gandhi supported the Khilafat Movement, in return for the Muslims undertaking to cooperate in the struggle for the independence of India.

In the Christmas of 1914 a Muhammadan Educational Conference was held at Rawalpindi. It was attended by Maulana Abul Kalam Azad, Maulana Muhammad Ali, and others. These Khilafat leaders took this opportunity to address young Muslim students of the various colleges at Lahore. In February 1915, sixteen young Muslim students migrated from India to Afghanistan. This was the start of the renowned Hijrat Movement, which with certain intervals continued till 1923. Scores of Muslims sold all their possessions in their Homeland and migrated to Afghanistan. This was done to follow the Prophet's example of Hijrat, to leave the hated Dominion of the British in India, and to organise a resistence from abroad. Some of these migrants died in Afghanistan. Others were imprisoned in Russia and Persia. Still others participated in the Russian Revolution. Some even reached Germany.

The net result of the Khilafat and Hijrat movements was the disillusionment of Indian Muslims against organizing a universal Muslim State, not confined to any particular territory or country.

Repressive Legislation

The Government of India had passed a Sedition Act in 1907. In 1910 the Press Act was brought on the Statute Book. Another Seditious Meetings' Act was passed in 1911. After the bomb explosion in December 1912 at Delhi as part of an attempt to assassinate the Viceroy, Lord Hardinge, the Criminal Law (Amendment) Act was passed in 1913 to make it penal to conspire to commit an offence, even though the conspiracy was not accompanied by any overt act, in pursuance of the object. In March 1919 the Rowlatt Act was passed to suppress several violent conspiracies against British Raj: such as the Calcutta-Delhi-Punjab Ghadar (Mutiny) Party, the Silken Handkerchief Conspiracy, Raja Mohinder Pratap's and Maulana Obeidullah Sindhi's attempt to establish Indian and Muslim "Exile Governments" at Kabul and Mecca respectively, the Bengal

Revolutionary Party which had its centre under the Hindu Revolutionary Hardayal, in America, and the Sikh Akali revolutionary groups.

Mr. Gandhi called for a country-wide strike and public meetings to protest against the Rowlatt Act and the arrest of several prominent leaders. A public meeting held at the Jalianwala Bagh was fired upon by the Army. Martial Law was imposed in several towns of thePunjab. The oppression was so wholesale that several instances of military excesses were brought to public notice only long after the events, when the Government appointed the Hunter Commission to enquire into the allegations.

Hindu-Muslim Conciliation

The cumulative effect of all the points of friction between the Indian Mussalmans and the British Indian Government as narrated above, was tha Muslim political opinion in the Sub-Continent became estranged from the British rulers, and was progressively reconciled with its Hindu neighbours.

Quaid-i-Azam Muhammad Ali Jinnah in the beginning of his political life was a staunch Congressman. He continued to be a member of the Congress till December 1920, when at the Nagpur session of the Indian National Congress a resolution was passed in support Mr. Gandhi's non-cooperation movement, despite Mr. Jinnah's vehement opposition. He was the solitary voter against the resolution. He then quitted Congress membership.

On one occasion, while speaking in the Legislative Assembly, his own comment upon his political beginning was as follows. The quotation is from page 439 of "Eminent Mussalmans" (published by G. A. Nate an & Co., Madras, in January 1926) :—

> "I might say that I learnt my first lesson in politics at the feet of Sir Surendra Nath Banerjee. I was associated with him as one of his followers and I looked upon him as a leader. He commanded the utmost respect of a large body of people in this country and of my humble self. As far as Mr. Das was concerned, he was a personal friend of mine. I have enjoyed his hospitality, and he was one with whom I worked for many years.
>
> "On this occasion I should like to say this; that the e were eaders in this country for whom the Muhammadans had the greatest

respect; and they commanded the confidence of the Mussalmans as much as any Mussalman leader. The only lesson that we might draw from the careers of these two great men is this: that in unity lies salvation."

At the 25th Session of the Indian National Congress (1909) Quaid-i-Azam Muhammad Ali Jinnah moved the following resolution, which was seconded by Mr. Mazhar-ul-Haque and supported by Mr. Hassan Imam:—

> "While recognizing the necessity of providing for a fair and adequat- representation in the Legislative Councils of a minority, this Congress disapproves the regulations promulgated last year to carry out this object by means of separate electorates and, in particular, ugres upon the Government the justice and expediency of modifying the regulations framed under the Indian Councils Act of 1909 before another election comes on......'

The first Hindu-Muslim Unity Conference was held at Allahabad on the New Year's day of 1911, only two years after the introduction of the Minto-Morley Reforms. It was attended by Sir Willam Wedderburn, Mr. Surrendra Nath Banerjee, Pandit Madan Mohan Malviya, Nawab Wiqarul Mulk Mushtaq Hussain, Mr. Hussan Imam, Mr. Mazhar-ul-Haque, Gopal Krishna Gokhale, and Quaid-e-Azam Muhammad Ali Jinnah. In all, it was attended by nearly 40 Mussalmans and 60 Hindus. A sub-committee and several Conciliation Boards were appointed for preventing communal riots. Arbitration Courts were also proposed.

It was as a result of the atmosphere of Hindu-Muslim cordiality created by the above mentioned Unity Conference that in the Lucknow Session of 1912 the All-India Muslim League changed its aims and objects as follows:—

(1) 'To promote and maintain among Indians, feelings of loyalty towards the British Crown.

(2) 'To protect and advance the political and other rights and interests of the Indian Mussalmans,

(3) 'To promote friendship and union between the Mussalmans and other communities of India,

(4) 'Without detriment to the foregoing objects the attainment of a System of Self-Government suitable to India, by bringing about, through constitutional means, a steady reform of the existing system of Administration, by promoting national unity, and fostering public spirit among the people of India; and by cooperating with other communities for the said purposes.'

Consequently a joint Muslim League and Congress session was held at Bombay in 1915 to consolidate Hindu-Muslim agreement for securing constitutional reforms from the British Government, after the declaration of first World War in 1914.

Since November 1914 some British Indian forces had occupied the port of Basra. By November 1915 these forces had advanced up to Baghdad, thus mortally threatening the Turkish Middle East. But the Turks under Jamal Pasha made a great recovery. By December 1915 the British Indian army under Townsend was signally defeated and besieged at Kutel-Amara. In April 1916 10,C00 British Indian troops under Townsend capitulated to Turks. This greatly shook British confidence in the efficiency of the Government of India, who was conducting these operations. Public opinion in Britain agreed now that change was necessary in the system of the Government of India.

In 1916 Mrs. Annie Besant and Mr. Tilak established the Home Rule League, which was later joined by Quaid-e-Azam Muhammad Ali Jinnah.

In October 1916, nineteen elected Additional Members of the Imperial Legislative Council (Central Indian Legislature) submitted a joint Memorandum to the Viceroy in which they demanded:—

(1) That "in all the Executive Councils, Provincial and Imperial, half the number of the members should be Indians......"

(2) That : "all the Legislative Councils in India should have a substantial majority of elected representatives."

(3) "The Budget should be passed in the shape of Money Bills, Fiscal Autonomy being conceded to India."

(4) "The control of Home Government on the Indian Government should be relaxed".

(5) "In a scheme of Indian Federation, India should be given a place similar to the self-governing Dominions."

(6) "The Provincial Governments should be made autonomous."

(7) "The jurisdiction of Local Self-Government should be increased."

(8) "The right to carry arms should be granted to Indians on the same condition as to the Europeans."

(9) "Indians should be allowed to enlist on a basis of equality with foreigners in the Indian Army."

In total there were 13 demands.

Congress-League Lucknow Pact (1916)

In December, 1916, the Muslim League and the Congress both held their annual sessions at Lucknow, where the following agreement was reached. Quaid-e-Azam Muhammad Ali Jinnah presided at the League session:—

1. Provincial Legislative Councils

(1) Provincial Legislative Councils shall consist of four-fifths elected, and of one-fifth nominated members.

(2) Their strength shall not be less than 125 members in the major Provinces, and from 50 to 75 in the minor Provinces.

(3) The members of Councils should be elected directly by the people on as broad a franchise as possible.

(4) Adequate provision should be made for the representation of important minorities by election, and the Mussalmans should be represented through Special Electorates on the Provincial Legislative Councils in the following proportion:—

Punjab—one-half of the elected Indian members.

United Provinces—30 per cent of the elected Indian members.

Bengal—40 per cent of the elected Indian members.

Bihar—25 per cent of the elected Indian members.

Central Provinces—15 per cent of the elected Indian members.

Madras—15 per cent of the elected Indian members.

Bombay—one-third of the elected Indian members.

Provided that no Mussalman shall participate in any of the other elections to the Imperial or Provincial Legislative Council, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be proceeded with, if three-fourths of the members of that community in the particular Councils: Imperial or Provincial, oppose the bill or any clause thereof, or the resolution.

(5) The Head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

(6) The right of asking supplementary questions should not be restricted to the member putting the original question, but should also be allowed to be exercised by any other members.

(7) (*a*) Except customs, posts, telegraphs, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be Provincial.

(*b*) There should be no Divided Heads of Revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(*c*) The Provincial Councils should have full authority to deal with all matters affecting the internal administration of the Province including the power to raise loans, to impose and alter taxation, and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary revenue, should be em-

bodied in Bills and submitted to the Provincial Council for adoption

(*d*) Resolutions on all matters within the purview of the Porvincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(*e*) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-Council, provided however, that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(*f*) A Motion for Adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported, by not less than one-eighth of the members present.

(8) A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

(9) A bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefore.

(10) All bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

(11) The term of the office of the members shall be five years.

II. Provincial Governments

(1) The head of every Provincial Government shall be a Governor, who shall not ordinarily belong to the Indian Civil Service, or any of permanent services.

(2) There shall be in every Province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

(3) Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

(4) Not less than one-half of the members of the Executive Council shall consist of Indians, to be elected by the elected members of the Provincial Legislative Council.

(5) The term of the office of the members shall be five years.

III. Imperial Legislative Council

(1) The strength of the Imperial Legislative Council shall be 150.

(2) Four-fifths of the members shall be elected.

(3) The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the electorates for Mussalmans for the Provincial Legislative Councils; and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to the Imperial Legislative Council.

(4) One-third of the Indian elected members should be Mussalmans elected by separate Mussalmans electorates in the several Provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mussalman electorates.

(5) The President of the Council shall be elected by the Council itself.

(6) The right of asking supplementary questions shall not be restricted to the member putting the original question, but should also be allowed to be exercised by any other member.

(7) A special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

(8) A bill, other than a Money Bill, may be introduced in the Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

(9) All bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

(10) All financial proposals relating to sources of income and items of expenditure shall be embodied in bills. Every such bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

(11) The term of the office of the members shall be five years.

(12) The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council:—

(*a*) Matters in regard to which uniform legislation for the whole of India is desirable.

(*b*) Provincial legislation in so far as it may affect inter-provincial fiscal relations.

(*c*) Questions affecting purely Imperial Revenue, excepting tributes from Indian States.

(*d*) Questions affecting purely Imperial Expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of military charges for the defence of the country.

(*e*) The right of revising Indian tariffs and custom-duties, of imposing, altering, or removing any tax or cess; modifying the existing system of currency and banking;

and granting any aids or bounties to any or all deserving and nascent industries of the country.

(*f*) Resolutions on all matters relating to the administration of the country as a whole.

(13) A resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council : provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(14) A Motion for Adjournment may be brought forward for the discussion of a definite matter of urgent public importance; if supported by not less than one-eighth of the members present.

(15) When the Crown chooses to exercise its power of veto in regard to a bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed; and the bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

(16) The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace, and the entering into treaties.

IV. The Government of India

(1) The Governor-General of India will be the Head of the Government of India.

(2) He will have an Executive Council, half of whom shall be Indians.

(3) The Indian members should be elected by the elected members of the Imperial Legislative Council.

(4) Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

(5) The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

(6) The Government of India shall not ordinarily interfere in the local affairs of a Province, but powers not specifically given to a Provincial Government, shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Government.

(7) In legislative and administrative matters the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

(8) A system of independent Audit of the Account of the Government of India should be instituted.

V. The Secretary of State-in-Council

(1) The Council of the Secretary of State for India should be abolished.

(2) The salary of the Secretary of State should be placed on the British Estimates.

(3) The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies does in relation to the Government of the self-governing Dominions.

(4) The Secretary of State for India should be assisted by two permanent Under-Secretaries, one of whom should always be an Indian.

VI. India and the Empire

(1) In any Council or other body which my be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions, and with equal rights.

(2) Indians should be placed on a footing of equality in respect of status and right of citizenship with other subject of His Majesty the King, throughout the Empire.

VII. Military and other matters

(1) The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

(2) Indians should be allowed to enlist as volunteers.

(3) Executive officers in India shall have no judicial powers entrusted to them, and the Judiciary in every Province shall be placed under the highest Court of that province.

Riots, Disturbances and Civil Disobedience

As has been noted earlier, violence as a regular method for the achievement of political ends, first appeared in the public life of the sub-Continent in 1907, when the Hindu intelligentsia of United Bengal revolted against the British "vivisection" of their "motherland". In this period of history, Mussalmans as a whole were loyal to the British Government. The bomb outrages staged by Bengali revolutionaries continued into the teens of the 20th century, when the Bengal Revolutionary Movement merged into the Delhi and Punjab Revolutionary Movement. In Northern India it was the Hindu Reform movement : Arya Samaj : which became the nucleus for propagating sedition against the British rule.

Mr. Hardayal, a graduate of Delhi, who spent most of his life in America, and after the outbreak of the first Great War migrated to Switzerland, in 1908 organized a revolutionary society among the Indian

colonists in Canada, and other parts of the American continent. This revolutionary organization sent arms and trained revolutionaries for Bengal and the Punjab. The organization was granted full recognition by the German and Turkish Emperors. They also succeeded in winning the sympathy of an important section at the Kabul Royal Court. This Revolutionary party came to be known during 1912-13 as the "Ghadar (Mutiny) Party". It won the largest number of its followers among the Sikhs.

Some Hindus and Mahrattas also joined the Revolutionary Party in India. The attempt on the Viceroy's (Lord Hardinge) life in 1912 was a result of the conspiracy prepared by certain members of this Revolutionary Party, among whom Rash Behari Bose, Chuni Lal, and Bhai Parmanand gained fame.

The Indian Muslims were frustrated and grieved at the British hostility towards the integrity of the Turkish Caliphate. Hence Punjabi and Pathan Muslim young men revived contacts with the centres of the Wahabi movement in the tribal belt, surviving from 1831. In 1915 certain Muslim students of Islamia Colleges of Lahore, and Peshawar, migrated to Afghanistan, and later spread into Central Asia. This was the beginning of the well-known Hijrat Movement.

We have elsewhere explained how the Muslim League and the Congress had been politically drawn together. It was a period of the birth of joint resistence against the British Indian Government. Elsewhere we have taken note of the Anjuman-i-Khuddam-i-Ka'aba and Jamiat-ul-Ulama-e-Hind. Dr. Saif-ud-Din Kitchlew of Amritsar organized a "Khudai Fauj". During the Martial law of April 1919, there was a "Danda Fauj" (Army bearing sticks) at Lahore. Among the Sikhs the Akali and the "Babbar Akali" movements were revoluntionary. Mr. Gandhi organized the Satyagarha Sabha. The Khilafat Committees had spread all over the country. All these heterogeneous elements and organizations were united in their hostility towards the British.

During 1917-18, the Government under the inspiration of the Punjab's Lt. Governor (Sir Michael O'Dwyer) appointed a committee* with Sir Sidney Rowlatt as ito Chairman. The Committee prepared a report about all the anti-British conspiracies which had up to that time been discovered. Soon after the declaration of the first World War, the

Government of India had promulgated a Defence of India Act. This law had lapsed after the termination of the War. The Rowlatt Committee proposed enactment of a Rowlatt Bill which was aimed at putting a *preventive* curb against seditious activities.

Mr. Gandhi, at this juncture rising from his sick-bed, entered into the politics of India with a bang. On March 30, 1919, he declared a countrywide *hartal*, which was a remarkable success. This was followed by the out-break of riots, disturbances, and police and army firing at Delhi, Lahore, Kasur, Amritsar, Lyallpur, Gujrat, and Peshawar. Officially it is known as "the Punjab Rebellion of 1919." The firing at Jalianwala Bagh is the best-known incident of this period. The Rebellion synchronized with the third Afghan War.

On 1st August 1920 the Khilafat Movement started a Civil Disobedience Movement under the leadership of Maulana Mohammad Ali, which soon merged with the civil disobedience movement of the Indian National Congress began under the leadership of Mr. Gandhi in September, 1920. When there was an out-break of violence, as a result of which certain police constables were burnt alive at Chauri Chaura, a village in the Gorakhpur District of the United Province, Mr. Gandhi withdrew the Disobedience Movement in 1922.

This was followed by the Moplah Rebellion on the Malabar coast in September 1921, which started as a part of the Muslim Khilafat agitation, but soon degenerated into Hindu-Muslim riots. The Hindus being a minority in the area suffered in the riots. The Moplahs were descendents of ancient Arab migrants. They were very pious Muslims. They had suffered from the domination of the wealthy Hindus. The British took the opportunity to advertise these incidents as the outcome of the anti-British agitation. Some 20,000 Muslims were prosecuted, out of whom some 12,000 were sentenced, The Rebellion was supressed with great cruelty.

The Electorate Issue (1910—1921)

It will be observed that the net result of the multiple political trends during the decade under discussion was that the Muslims as a nation were alienated from their friendship and loyalty previous to 1910 towards the British ruling power.

The hostility between the British and the Mussalmans which had been suppressed by force during the 20 years following the Revolt of 1857, and which had been converted into mutual friendship by the efforts of Muslim leaders like Sir Syed Ahmad Khan, Sir Salar Jang, Sir Agha Khan, Nawab Mohsin-ul-Mulk, and Nawab Wiqar-ul-Mulk, was now once again inflamed by British betrayal of the partition of Bengal, British hostility towards the Turkish Caliphate, and the general lack of sympathy in the Liberal Ministries of England during this period towards the Muslim inhabitants of their Empire.

The Muslims felt that all the world over they were threatened by Britain and Russia, that Germany was their friend, and that their Hindu neighbours under the leadership of Mr. Gandhi were prepared to win the hearts of the Muslims, by collaborating with them for the preservation of the Turkish Caliphate.

The result of these changes in the demands of the environment upon the Indian Mussalmans was that they were convinced that the advantage in the system of electorate which they had won under the Minto Morley Reforms was not adequate for the protection of their national interests. Under the Minto Morley Reforms, the Muslims had won "Duplicate Representation". They continued to enjoy normal representation from the general seats, if they could win the confidence of the voters from the other communities. In addition to this, they had separate electorate and separate seats. But against this advantage, the Mussalmans suffered from the disadvantage that the Muslim majority population in Sind was stitched to the apron of the Hindu majority Province of Bombay. The N.-W. F. P. was a Chief Commissioner's Province, directly administered by the Government of India. This was also a Muslim majority area. As far as the Punjab was concerned, it had not come under the jurisdiction of the Minto-Morley Reforms, because the administration here was working under the Indian Councils Act of 1892. The Lt.-Governor of the Punjab till 1920 ruled without the help of any Executive Council. There was a Legislative Council, which worked under the veto of the Lt.-Governor. In the U. P. and Bengal also the Muslims did not enjoy any dominant position.

In the circumstances, the Muslims felt that to them separate electorates and double representation were of no use, when the Muslim majority Provinces were oppressed by the autocratic rule of the British.

Moreover the experience of the British outrages against the Turkish Caliphate had proved that it was not sufficient to agitate for the protection of Muslim interests within India. It was necessary to win independence and have international authority to help Muslim brethren outside India. Thus the Muslims were now in a mood to welcome the desire of the Hindu industrialists and the Hindu intelligentsia for a "Hindu-Muslim united front" to snatch more authority from the British.

The reflection of all these considerations is apparent in the Lucknow League-Congress pact, which ultimately was largely incorporated into the Government of India Act 1919.

The Hindu-Muslim compromise was on the following lines. The Mussalmans entirely gave up the "double representation" which they had won through the patronage of the British. In return they were given a fixed proportion of seats in all the Indian Provinces. The time had not yet come when the Muslims were to demand a separate province for Sind, a separate province for the N.-W. F., and the extension of representative government to Baluchistan. These were later developments. We are confining ourselves to the period before 1921.

Besides a larger proportion of fixed seats in all the Indian Provinces, the Lucknow pact in return for the termination of the double representation for Muslims, also gave them a power of veto in all the legislatures. It was provided in the pact that if three-fourth members of a Council belonging to any particular community vetoed any non-official bill, it shall not be presented before the House. This was an off-shoot of Resolution XIII of the 1889 Congress Session, as already noted.

The Mussalmans also secured 33% seats in the Central Assembly as against 5 separate (fixed in addition to opportunity in general seats) seats in the Imperial (Central) Council with a total of 60 seats under the Minto Morley Reforms.

The adjustments in the Provincial seats become clear from the following schedules :—

MUSLIM SEPARATE SEATS UNDER THE MINTO MORLEY REFORMS

Name of Province	Proportion of Muslims to total population in 1911	Muslim separate fixed seats in addition to opportunity in general seats	Total seats under Minto Morley Reforms
Madras ..	0.6	2	49
Bombay ..	20.4	4	49
Bengal ..	52.7	5	54
U.P. ..	14.0	4	50
Punjab ..	54.8	Reforms did not apply.	27
Bihar and Orissa ..	10.6	4	45
Assam ..	..	2	26
C.P. ..	4.1	Reforms did not apply.	26

POPULATION STATISTICS AND THE LUCKNOW PACT

Legislative Body.	Percentage of Muslims to total population of the electoral area (1921 Census)	Percentage of Muslim voters to total voters in general constituencies (1926)	Percentage of Muslim members to total number of members in 1930.	Percentage of Muslim elected members to total number of elected Indian members. in 1930.	Percentage of Muslim members to total members in seats filled by election from Indian general (*communal) constituencies in 1930	Lucknow Pact percentage.
Punjab	55.2	48.7	40	48.5	50	50
United Provinces.	14.3	14.1	25	30	32.5	30
Bengal	54.6	45.1	30	40.5	46	40
Bihar and Orissa.	10.9	10.9	18.5	25	27	25
Central Provinces.	4.4	8.4	9.5	13	14.5	15
Madras	6.7	4.7	10.5	14	16.5	15
Bombay	19.8	17.7	25.5	35	37	33.3
Assam	32.3	30.1	30	35.5	37.5	No provision
Central Assembly	24.0	16.5	26	34	38	33.3

* As contrasted with "Special Interest" Constituencies, like Universities or Chambers of Commerce etc.

The significance of the above-mentioned exchange of political privileges between the Muslims and the non-Muslims can only be fully grasped, if we keep in mind that Lord Minto in his reply to the historic Muslim deputation at Simla in 1906 had conceded that the Muslims deserved representation, not only in proportion to their actual population but also keeping in view their "political importance". What was this political importance? It was nothing more than the Muslim pledge of loyalty to the British Raj. Perhaps it included Muslim dominance in the British Army.

The exact meaning of the League-Congress Lucknow Pact of 1916, therefore, was, that the Mussalmans gave up their pledge of loyalty to the British. They also gave up Double Representation but accepted separate electorates within the restricted, definite and fixed proportions of representation. The Lucknow Pact called it " Special Electorate."

This proves our thesis that political ideology is a reflection of the changing circumstances of the varying environment. In 1906 the Mussalmans had demanded and got separate electorates, "in addition to" joint electorate. Ten years later, they exchanged their lien on the joint electorate seats, for the fixation of a proportion of their representation, and, veto in all the Legislative Councils, which were now to enjoy greater powers.

The British Government, very cleverly, while implementing the Lucknow pact, eliminated the "communal veto" part from it. This led to the Hindu-Muslim conflict in the next decade, which we shall study later.

GOVERNMENT OF INDIA ACT, 1919

The Government of India, in their Coronation (George V) Despatch of August 25 1911, addressed to the Secretary of State for India, had said :—

> "The maintenance of British rule in India depends on the ultimate supremacy of the Governor-General in Council, and the Indian Councils Act, 1909, itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official votes in the Imperial Legislative Council.
>
> "Nevertheless, it is certain that, in the course of time, the just demand of Indians for a larger share in the government of the country will

> have to be satisfied, and the question will be: how this devolution of power can be conceded, without impairing the supreme authority of the Governor-General in Council.
>
> "The only possible solution of the difficulty would appear to be: gradually to give the Provinces a large measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India, above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting their function to matters of Imperial concern."

His Highness the Agha Khan in the autumn of 1918 published a book presenting an elaborate scheme of reforms for India. Here is an extract from "the Eminent Mussalmans," about its contents :—

> "India is too vast an diversified for a successful unitary form of free Government, and therefore His Highness proposed Autonomous Provinces, in which official executive responsibility would be vested in a Governor as directly representing the Sovereign.
>
> "The Governorship should be open to Indians, confining the choice for some years hence to ruling Princes, who would leave their own territory for five years for this greater field.
>
> "The Aga Khan recommended the adoption of the American principle of freedom of the Executive from Legislative control, so far as tenure of office is concerned.
>
> "Provincial Legislatures should be greatly enlarged, Bombay for example having 180 to 220 members, in order to have a representative of every District, community, and substantial interest.
>
> "There should be a Senate or Upper House, and the power of both Houses over legislation and finance should be subject only to the veto of the Governor, but the Legislature might possess the right of removing by a three-fourth majority an unsuitable or incompetent Departmental Head.
>
> "There should be a royal Viceroy with a Prime Minister presiding over a Cabinet, choosing his colleagues under the Viceroy's guidance, as he thought best.

"After due establishment of a Federal Constitution, room for Imperial Legislation as distinct from questions of policy would be so small that the Central Legislature should be a Senate for which each great Province would send eight or ten representatives, and each native State would have representatives, beginning with seven for Hyderabad.

"Once internal Federation was complete, it would sooner or later attract Persia, Afghanistan, and all principalities from Africa and similar countries into a freewill membership of a great "South Asiatic Federation" of which Delhi would be the centre".

On August 20, 1917, the Secretary of State for India (Mr. Edwin S. Montagu) made the following Declaration on behalf of His Majesty's Government in the British House of Commons, in order to satisfy the rising dissatisfaction in politically conscious India :—

"The policy of His Majesty's Government, with which the Government of India are in complete accord is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire.

"They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at Home and in India.

"His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages.

"The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

"Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament."

In accordance with this declaration the Secretary of State for India Mr. Montagu and the Viceroy of India, Lord Chelmsford, together with some other members, including Indians, were constituted into a committee which visited India, heard different points of view, and on July 8, 1918 published a report on Indian Constitutional Reforms.

This report laid down the following principles for the future constitution of India :—

(1) That there should be, as far as possible, complete popular control in Local Bodies, and the largest possible independence for them from outside control.

(2) That the Provinces were the domain in which earlier steps towards the progressive realisation of a responsible Government should be taken.

(3) The Government of India must remain wholly responsible to the British Parliament.

(4) In proportion as the foregoing changes take effect, the control by British Parliament and the Secretary of State for India over the Government of India and Provincial Governments must be relaxed.

(5) In place of occasional conferences of Indian Princes at the invitation of the Viceroy, there should be constituted a permanent Council of Princes. (The Chamber of Princes was established in 1921 as a result of this proposal)

(6) The Franchise Committee suggested extension of communal representation to the Sikhs in the Punjab, and Europeans, Indian Christians, Anglo-Indians in certain Provinces.

The Structure of the Government (*Government of India Act* 1919)

1. *Provincial Governments*:—British India was formerly divided into 15 provinces, of which three were Governorships-in-Council, four Lt.-Governorships, and eight Chief-Commissionerships.

The Act raised to the status of Governorships-in-Council five of the Provinces formerly under Lt.-Governors or Chief-Commissioners, thereby raising the total number of Governor's Provinces to eight.

The five new Governorships were the U. P., the Punjab, the C. P., Bihar and Orissa, and Assam.

The previous three Governorships were Bombay, Madras, and Bengal.

As the Government of India Act 1919 contemplated the application of the rule of responsibility, or popular control, to a portion of the Provincial Administration, it was necessary to make a demarcation for this purpose between the Central and Provincial departments of administration by means of specified rules.

2. *Dyarchy*:—In all the Governors' Provinces a system of "dyarchy" was introduced, under which the executive government consisted of two parts: one comprising the Governor and his Executive Council and the other consisting of the Governor acting with the Ministers.

Provincial subjects were divided into and classified as (*a*) Reserved, and (*b*) Transferred. Correspondingly the provisions of the Budget were also classified into (i) Charged, and (ii) Voted.

The Governor with Ministers was to administer Transferred Subjects such as Local Self-Government, Medical Administration, Public Health and Sanitation, Pilgrimages (India), Education, Public Works, Agriculture, Cooperative Societies, Forests, Excise, Registration, etc.

The Governor-in-Council was to control the Reserved subjects such as Law and Order.

Where a doubt arose whether a particular matter related to a Reserved or to a Transferred Department , the question was to be decided by the Governor, and his decision was final.

The Governor-General-in-Council was empowered to revoke or suspend, for such period as he might consider necessary, the transfer of subjects in any Province.

When a matter appeared to the Governor to affect substantially the administration of both Reserved and Transferred subjects, and there was disagreement between the Members of the Executive Council and the Minister concerned as to the action to be taken, the Governor was empowered to direct in which department the decision as to such action was to be taken. Joint administration was recommended.

The authority vested in the Local Government over officers employed in the Province, was to be exercised in the case of officers serving in a Reserved department by the Governor-in-Council, and in the case of officers serving in a Transferred department by the Governor acting with the Minister in charge of the department.

Provided, no order affecting the conditions of service, or of formal censure, was to be passed without the personal concurrence of the Governor.

3. *Control of Governor-General and the Secretary of State over Local Government*:—Every Local Government remained subject to the superintendence, direction, and control of the Governor-General-in-Council, in all matters relating to the Administration of its Province.

4. *Provincial Legislatures*:—The Legislative Council in Governor's Province was to consist of members of the Executive Council, members elected, and members nominated.

The constituencies created under the rules were of two kinds: General and Special. General constituencies were of non-Mohammadan, Mohammadans, Sikhs, Indian Christians and Europeans or Anglo-Indians.

Special constituencies were of land-holders, universities, planters, commerce, industry and mining.

5. *The Indian Legislature*:— It consisted of two Chembers, *i.e.*, Council of State and the Legislative Assembly.

The Council of State consisted of not more than 60 members, of whom not more than 20 were official.

The Legislative Assembly consisted of 140 members, of whom 100 were elected, and of the remaining 40, not more than 26 were official.

Normal duration of the Council of State was five years, and of the Legislative Assembly three years.

On November 1, 1918, the moderate Congressite leaders met at Bombay, and accepted the new scheme of Reforms. This led to the birth of the Liberal party. It included Mr. Madan Mohan Malviya, Sir Tej Bahadur Sapru, and C. Y. Chintamani. At the time these moderate leaders did not propose to quit the Congress. But under the leadership of Annie Besant, Tilak and the other extremist leaders, the Congress resolved to completely reject the new Reforms.

The Muslim League accepted the Reforms, subject to a protest against the non-inclusion of any Indian Muslim in the Imperial War Conference, War Cabinet, and the Peace Conference. Though the League annual session on December 30, 1918, at Delhi criticised the Reforms, Quaid-i-Azam Muhammad Ali Jinnah, Mian Sir Muhammad Shafi, Sir Fazal-i-Hussain, Hon'ble Syed Amir Ali, Yaqub Hassan, Abdullah Suhrawardy, and many other prominent Muslim Leaguers had already declared their acceptance.

It is note-worthy that a joint address by the Muslim League and the Congress was presented to the Montagu Chelmsford Reforms Enquiry Committee on November 26, 1917. It was based on the Lucknow Pact. It was highly appreciated by the Committee. On October 6, 1917, a joint session of the All-India Congress Committee and the Council of the Muslim League was held at Allahabad. The general consensus of opinion was that the question of passive resistence should be dropped. A joint committee with Mr. C. Y. Chintamani as Secretary, and 12 members, was appointed to prepare an address and a memorandum to the Viceroy and

the Secretary of State for India, in support of the Congress-League scheme. The memorandum emphasized that a position of mere dependency "does not reconcile with the self-respect of a people who claim inheritance of an ancient civilization." Therefore, the country should be elevated to "a status of equality with the Dominions in all inter-Imperial matters."

The later sharp reaction of the Congress against the Reforms at the special session at Calcutta and the annual session at Dehli in 1918 was primarily the result of universal Indian dissatisfaction with the Rowlatt Bill.

While the Muslim League accepted the Reforms under the leadership of Quaid-i-Azam Muhammad Ali Jinnah, in order to create political institutions in the country which should redress the political grievances of the people, the majority of the Mussalmans under the leadership of the Khilafat Movement, and the majority of the Hindus under the leadership of the Indian National Congress, which at the time had come completely under the influence of Mr. Gandhi, rejected the Reforms as inadequate, and started passive non-cooperation. The Satyagarha movement of Mr. Gandhi laid emphasis on the boycott of foreign goods, the use of Khadi and daily working of Charkha (Manual Spinning Wheel).

FROM THE MONTEGU CHELMSFORD REFORMS TO THE GOVERNMENT OF INDIA ACT 1935

The first elections under the Government of India Act, 1919, were held in the beginning of the year 1921. As noted earlier, the bulk of the Muslim population of India under the leadership of the Ali Brothers (Maulana Muhammad Ali and Maulana Shaukat Ali) and their Khilafat movement, and the bulk of the Hindu population under the leadership of Mr. Gandhi and his Indian National Congress, boycotted the elections.

The Rowlatt Act and the imposition of the Martial Law in 1919 had created a bitterness and hatred between the Indians and the British, which precluded any cooperation. The actual proportion of the voters who went to the polls was 8% in the city of Bombay, and 70% in some urban constituencies of the province of Madras (Justice Party). The All-India voting proportion for the provinces ranged from 20 to 30%. For the Indian Legislative Assembly the proportion was 20%. For the Council of State it was 40%.

The new elected representatives removed much of the standing repressive legislation from the statute book. On the whole, the Assemblies constituted after the first general elections under the constitution cooperated with the British Government. They supported the British Indian Government in the suppression of the Moplah Rebellion, and in fighting Mr. Gandhi's non-cooperation movement.

The second general elections for the Central Assembly were held at the end of the year 1923. Meanwhile the Swarajist Nationalists' party ("Changers") under the leadership of Pandit Motilal Nehru had taken leave from Mr. Gandhi's leadership ("No-changers") and decided to participate in the elections. This was done after taking into consideration the report of a Civil Disobedience Inquiry Committee of the Congress, while Mr. Gandhi was in jail (1922-24). The majority in the Congress followed Mr. Gandhi's lead. Therefore, the "Changers" established the Swaraj Party. The result was that they obtained an overwhelming majority in the elections.

Early in 1924, Pandit Motilal Nehru took advantage of the first opportunity to move the following resolution in the Central Assembly which was carried by 76 votes to 48:—

> "This Assembly recommends to the Governor-General in Council to take steps to have the Government of India Act 1919 revised with a view to establish full responsible Government in India and for the said purpose—
>
> (*a*) To summon at an early date a representative Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India; and
>
> (*b*) after dissolving the Central Legislature to place the said scheme for approval, before a newly elected Indian Legislature for its approval, and submit the same to the British Parliament to be embodied in a statute."

The British Indian Government did not respond sympathetically to this resolution of the Central Assembly. The Assembly reacted by rejecting the Government Budget by 61 votes to 60. Difference of voting

on other grants was as high as 62 votes for the Opposition and 57 for the Treasury Benches.

At the Simla session of the Central Assembly in September 1924, the Government moved a resolution for accepting the recommendations of the Lee Commission on Superior Civil Services in India. The British Indian Home Member in the course of the debate observed:—

> "I must confess that I myself received rather a shock, when I first saw the figures. I take the All-India Services. The present sanctioned strength is 4279; their actual number is just under 4000. I estimate that on the proposals of the Commission about 1300 posts, so far as future recruits are concerned, will be provincialised, and I will assume that this means practically complete Indianisation.
>
> "There will remain something under 3000 posts on an All-India basis, but of these 3000 it is contemplated that the greater portion will eventually be filled by Indians. In every case, except the Police, it is recommended that Indian recruitment to these Services should be more than half the total, while in the Police it is proposed to recruit half and half.
>
> "If the proposals of the Commission are given effect to, there will, I estimate, eventually remain in the All-India services only some 1300 British Officers, including the doctors of the military reserve.
>
> "If we confine our consideration to the two security Services—the I.C.S. and the Indian Police Service—the number of posts which will eventually be held by Europeans on the proposals of the Commission is less than 900.
>
> "I sometimes wonder if it is realised that when the Indian Civil Service consists half of Europeans and half of Indians, there will only be 675 British Officers employed in the whole of India in the important tasks, which this Service performs, and of this number less than 400 will be filling posts of major responsibility, the remainder being under training in less responsible posts or on leave.
>
> "Is it really suggested that in the present condition of India, some 400 British officers employed in important Secretariat or adminis-

trative posts, as heads of districts, as Sessions Judges, as Political officers and the like, is an excessive number, in a country with more than 300 million inhabitants?"

The Commission recommended improvement of Service conditions, to attract British candidates. But the Swarajists replied that India can engage American or German experts.

Pandit Motilal Nehru, Leader of the Swaraj Nationalist Party in the Central Assembly, proposed that the recommendations of the Lee Commission be wholly rejected. He described the British Indian services as an "anachronism." "It should lie with the Indian Legislature to define the powers and the functions of the officials, as well as the conditions of their recruitment." Mr. Nehru's proposal was carried in the House by 68 votes against 46.

In 1918, for the first time, Indians had been made eligible for the King's commission in the Army. However, they were still not eligible for employment in the Artillery, Engineering, Signal, Tank or Air departments of the Army. In 1923 Lord Rawlinson, the C-in-C, announced an eight Unit Scheme in which Indians commissioned officers were to be posted.

It was estimated that in about 25 years all these Indian units would be completely officered by Indians. The position was reconsidered as a result of the public demand, by an Indian Sandhurst Committee, presided over by Major-General Sir Andrew Skeen, which unanimously recommended in November 1926 that the number of vacancies allotted to Indians at Sandhurst be doubled, and that a Military College on the lines of Sandhurst be established in India in 1933. The Government accepted these recommendations in 1928.

Meanwhile as a result of popular agitation for constitutional reforms on the lines of granting Dominion status to India, the British Government appointed a Reforms Inquiry Committee. This Committee came to be called the Muddiman Committee. It held its meetings from August to December 1924. Its report was published early in the year 1925. Four of its Indian members presented a separate minority report.

It became evident from the report that most of the Provincial Governments had reported failure of the working of the Reforms. The Committee came to the conclusion that the electorate was illiterate, the Reforms

had not been started in auspicious circumstances, the treasury had been empty, the people had not cooperated at the early stages, there were communal rivalries. Therefore, there was no need of any fundamental changes in the constitution. The Committee suggested certain internal reforms.

The minority report of the Committee submitted by the four Indian members suggested that the system of Dyarchy had failed. In Bengal, and in C.P., the Constitution had had to be suspended. Therefore, a Royal Commission with adequate terms of reference should be appointed to recast the constitution on a permanent basis.

On July 7, 1925, Lord Birkenhead, the Secretary of State for India, made a statement in the House of Lords regarding his recent conferences with Lord Reading, the Indian Viceroy. He denied that the new constitution had failed. He said it had never been given a chance. However, he did not close the door for the revision of the constitution, provided "we see everywhere among the responsible leaders of Indian thought, evidence of sincere and genuine desire to cooperate with us."

In September 1925, the Central Indian Assembly again passed a resolution moved by Pandit Motilal Nehru for convening a Round Table Conference, to draw up a scheme of responsible Government. The voting was 72 votes against 45.

Meanwhile, Indian political parties and leaders had realised that they now faced a new political situation. It was evident that it was no longer a question of distributing safeguards and privileges among the minorities. The problem that had now arisen was of inheriting sovereign political power in India.

The happy political marriage between the Khilafat Movement and the Indian National Congress Satyagarh movement under the leadership of Mr. Gandhi, had been disturbed after the repercussions of the suppression by force of the Moplah Rebellion in 1921. The Mussalmans noted that while they cooperated wholeheartedly with their non-Muslim brethren in protesting against the atrocities of the Martial law regime, consequent upon the 1919 Rebellion in the Punjab, the Hindus as a community had fallen into the trap of the British, by giving a communal colour to the Moplah Rebellion against the British. No Hindu leader had protested against the cruelties and barbarities committeed by the Army and Police in Malabar against the Muslim Moplahs.

Besides, Hindu leaders like Lala Lajpat Rai and Pandit Madan Mohan Malviya had started the Shuddhi (converting Muslims into Hinduism) and Sanghatan (organising the solidarity of Hindudom) movements. As a reaction, Muslim leaders had started the "Tabligh" and the "Tanzeem" movements. Communal clashes and riots had taken the place of the Hindu-Muslim unity of the previous decade.

Quaid-i-Azam Muhammad Ali Jinnah in his presidential address to the historic 1940 Lahore Session of the Muslim League referred to a letter written by Lala Lajpat Rai in 1925 to C.R. Das, the Swarajist leader from Bengal. The letter had been printed for the first time in a book by Indra Prakash. Quaid-i-Azam quoted the following extracts with approval:—

> "There is one point more which has been troubling me very much of late, and on which I want you to think carefully, and that is the question of Hindu-Muhammadan unity. I have devoted most my time during the last six months to the study of Muslim history and Muslim Law, and I am inclined to think it is neither possible nor practicable. Assuming and admitting the sincerity of Muhammadan leaders in the non-cooperation movement, I think their religion provides an effective bar to anything of the kind.
>
> "And nothing would relieve me more than to be convinced that it is not so. But if it is right, then it comes to this, that although we can unite against the British, we cannot do so to rule Hindustan on British lines. We cannot do so, to rule Hindustan on demo cratic lines.
>
> "What is then the remedy? I am not afraid of the seven crores of Musalmans. But I think, the seven crores in Hindustan plus the armed hosts of Afghanistan, Central Asia, Arabia, Mesopotamia and Turkey, will be irresistible.
>
> "I do honestly and sincerely believe in the necessity or desirability of Hindu-Muslim unity. I am also fully prepared to trust the Muslim leaders. But what about the injunctions of the Koran and Hadis? The leaders cannot override them. Are we then doomed? I hope your learned mind and wise head will find some way out of this difficulty."

A Unity Conference was held at Dehli in September 1924, under the inspiration of the Indian National Congress. At this Conference Mr. Gandhi had suggested that a committee be appointed to investigate the issue of Public Services and electorate, as a bone of contention between the Muslims and the Hindus. However, no concrete step was taken.

In December 1924, an All-parties Conference again met to consider the adjustment of communal shares in representation and Public Services. The main purpose of the conference was to prepare a scheme of Swaraj constitution, and devise means whereby all parties could unite on the common platform of the Indian National Congress.

A large Committee was formed, which also coopted other members. This committee, when it met after two months, appointed another sub-Committee. This sub-Committee in turn appointed smaller committees to consider and report on the scheme of Swaraj prepared by Mrs. Annie Besant.

In the twenties of this century, three other personalities deserve mention.

The first was that in 1928-29 Dr. Sir Muhammad Iqbal delivered a series of six lectures at Madras and elsewhere on the "Reconstruction of Religious Thought in Islam". The impact of these lectures on Muslim political tendencies was immense and revolutionary. Dr. Sir Muhammad Iqbal's main thesis in these lectures was that Divine Reality can not only be realised by faith, but also by intellectual conceptual thought. He took up the epoch-making stand that Islam is not only a dogma and a creed, but more than both it is a socio-biological-economic polit:cal system.

The second noteworthy occurence was that Allama Inayatullah Mashriqi who was already known for his brilliant academic record at British Universities, visited Germany, and was impressed by the rising Nazi movement in Germany. On return to India he was disgusted with the failure of the Khilafat and Hijrat movements, the frustration among the masses, and the scramble for loaves and fishes among the political leaders. He published the first volume of his renowned *Tazkara*. His main thesis was that Islam is a formula for the conquest of the whole world—indeed the whole Universe. *Action* and *power* are the fundamental principles of Islam. Dictatorship (Itaat-e-Amir) is another cardinal doctrine in this teaching. Though the Allama did not start his Khaksar movement till after a decade from the publication

of his first work, yet his emphasis on the biological "struggle for existence" and "survival of the fittest" influenced the mind of the Muslim intelligentsia, no less than the vital principle of self-assertion in Iqbal's poetry.

Maulana Zafar Ali Khan's *Daily Zamindar*, his mass oratory, and spicy poetry were another formulating influence on the Muslims of this period. His genius for keeping up Muslim communal agitation on the basis of one or another topical communal issue had far-reaching consequences in keeping up Muslim popular feeling of discontent.

Nehru Report (1928)

This was a period when a number of so-called "Unity Conferences" were held to solve Hindu-Muslim differences. In December 1926 the annual Congress session was held at Gauhati. Swami Shardhanand had been killed in his sick-bed by Hafiz Abdur Rashid, a Muslim youth. There was apprehension in Congress leadership. Consequently, a resolution was passed in the session calling upon "the Working Committee to take immediate steps in consultation with Hindu and Muslim leaders to devise measures for the removal of the present deplorable differences between the Hindus and the Mussalmans, and submit their report to the All-India Congress Committee, not later than March 31, 1927".

The Congress Working Committee held informal conferences with the leaders of the two communities. On March 20, 1927, as a result of the meetings with some prominent Muslim leaders, it was agreed (vide Nehru Report, page 18) that the Muslims were prepared to accept joint electorate, both in the provincial and central legislatures, on the following conditions:—

"(*i*) Sind was made into a separate Province.

(*ii*) The N.-W. F. P. Province and Baluchistan were treated on the same footing as the other Provinces.

(*iii*) In the Punjab and Bengal, the proportion of representation was to be in accordance with the population of the communities.

(*iv*) In the Central Legislature, Muslim representation was not to be less than one-third."

The Working Committee and the All-India Congress Committee met at Bombay, and accepted these terms. The All-India Congress Committee called upon the Working Committee to frame a Swaraj constitution, in view of the general desire of all the political parties in the country to unite together.

The annual session of the Congress at the end of 1927 was held at Madras. Here the Congress Party passed a resolution adopting "Independence" as its goal. But at the same session a resolution was passed for the preparation of a Constitution, in consultation with Hindu and Muslim "communal parties."

The Congress had been whipped up to undertake the preparation of an agreed constitution, by the Secretary of State for India, Lord Birkenhead's declaration at the time of the announcement of the Royal Warrant on November 26, 1927, constituting the Simon Commission, in accordance with the Section 84-A of the Government of India Act 1919, which visualised that: within ten years after the passage of the Act, "the Secretary of State with the consent of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a Commission, which after approval, would enquire into the working of the system of the Government, the growth of education, and the development of representative institutions in British India, and matters connected therewith. The Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government."

Lord Birkenhead said that during the last three years, when he had been the Secretary of State, he had twice invited suggestions from Indians for a constitution. That offer was still open. This was a reflection on the incompetence of Indians as a whole. These words were regarded by Indian leaders as a challenge from the British Government to produce a constitution, which might gain the approval of all interests in India. The Nehru Report was a reply to that challenge.

Besides, the Congress and a majority of other political parties in India had boycotted the Simon Commission, because it did not include any Indian member. It was, therefore, incumbent to prepare an alternative.

An All-parties Conference was held at Delhi under the auspices of the Congress on February 12, 1928. The Conference continued its meetings

from day-to-day till February 22, 1928. It was decided after a thorough debate that the constitution to be framed should provide for the establishment of "full responsible Government." Directions were given through resolutions in connection with the redistribution of provinces, the electorates, and reservation of seats. Mr. Jinnah in these discussions tried to bring round the Congress to his view, that the future constitution of India should be federal in nature, whereas the majority of Hindu and Congress leaders were agreed that it should be a unitary constitution.

Here it would be opportune to recapture the situation within the Muslim League. Muslims at the time were divided into four camps. On the one hand, there was the Khilafat Committee with Maulana Muhammad Ali Johar as its leader. The Khilafat Movement lost much of its influence after the abolition of Caliphate in Turkey by Mustafa Kamal in 1925. Another section of Muslims under the leadership of Maulana Abul Kalam Azad had completely identified itself with the Congress. Still another section of Muslims joined hands under the leadership of Sir Agha Khan.

As far as the fourth group of the Muslim League leaders were concerned, the organisation had been split into "the Jinnah League" and "the Shafi League", ever-since December 1927 when Sir Shafi had been chosen as the President of the 19th annual session of the Muslim League. Sir Shafi wanted to hold the session at Lahore, where his influence predominated. The League Working Committee endorsed this view. But Mr. Jinnah succeeded in getting a decision (by a small majority) from the All-India Muslim League Council held at Delhi, that the session should be held at Calcutta.

In the upshot, both the sessions were held. Mian Muhammad Shafi was elected President at Lahore, whereas Muhammad Yaqub, Deputy President of the Legislative Assembly, was elected as President at Calcutta.

After the announcement of the Simon Commission, the Jinnah League passed the following resolutions on January 1, 1928:—

> "The All-India Muslim League emphatically declares that the Statutory Commission and the procedure as announced are unacceptable to the people of India. It, therefore, resolves that the Mussalmans throughout the country should have nothing to do with the Commission at any stage and in any form......

> ". . . . In the present circumstances, the representation of Muslims in the different legislatures of the country through separate Muslim electorates is inevitable, and that the Muslims will not accept any scheme involving the surrender of this valued right, unless and until Sind is actually separated."

On the other hand, the Shafi League decided to cooperate with the Simon Commission.

We have already referred to the meeting of the All-parties Conference under the auspices of the Indian National Congress on February 22, 1928. The conference met again at Delhi on March 8, 1928. Meanwhile the Muslim League Council had constituted a sub-Committee in consequence of the Calcutta session (Jinnah League) "to confer with the Working Committee of the Indian National Congress and such other organisations as the Council may think proper for the purpose of drafting a constitution." The Council at the same time "expressed its disapproval of the resolution of the All-parties Conference". The Council also insisted upon its representatives to press other organisations to accept the proposals embodied in the resolution of the League session of 1927 held in Calcutta and "report the final results to the Council. . . . before proceeding with the framing of the Constitution".

The All-parties Conference (Congress) of March 1928 was largely characterised by discussions on communa lissues, and by serious disagreement between the (Jinnah) Muslim League and the Hindu Mahasabha on "separation of Sind and on the reservation of seats for minorities". Meanwhile the Shafi Muslim League had been cooperating with the All-parties Muslim Conference under Sir Agha Khan. The Congress All-parties Conference after its session in March 1928 was adjourned till May 19, 1928. The situation did not improve. On the other hand, communal differences had hardened. It was in these circumstances that the Conference in its session on May 19, 1928 elected the following sub-Committee to consider and determine the principles of the Constitution for India, before the 1st July next:

The sub-Committee consisted of (1) Pandit Motilal Nehru as Chairman, (2) Sir Tej Bahadur Sapru, (3) Syed Ali Imam, (4) Shoaib Qureshi, (5) Subhash Chandra Bose, (6) M. S. Aney, (7) M. R. Jaykar, (8) N. M. Joshi, (9) Sardar Mangal Singh, and (10) G. R. Pradhan. At the final stages even these two Muslim members could not attend.

The Sub-Committee submitted its report on August 10, 1928. The All-parties Conference met for its 4th session at Lucknow from August 22 to 31, 1928, and adopted this report.

The Report suggested full responsible government both in the Provinces and at the Centre. The Provincial Governments were to be given limited functions, all the residuary powers being assigned to the Government of India.

The Central Legislature was to consist of a Senate of two hundred members elected by the Provincial Legislative Councils by the method of proportional representation with a single transferable vote (the Hare system), and a House of Representatives of five hundred members elected by means of joint non-communal constituencies on the basis of adult sufferage.

The distribution of seats among the Provinces in either case was to be proportionate to population. In ordinary legislation the two Chambers were to possess equal authority, but in the case of Money Bills, the House of Representatives was given the sole power.

No measure affecting the discipline or maintenance of any part of the military forces was to be introduced except on the recommendation of a Defence Committee consisting of some ministers and some military experts. The army services were to be guaranteed their existing rights and privileges, but as regards the Civil Services the Legislature was to be conferred with full powers to make laws and regulations.

The Central Government was to exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India had hitherto exercised or discharged.

Legislative Councils in the Provinces were to be reconstituted on the basis of *joint electorate* and adult franchise.

Cabinets were to be unitary (as opposed to dyarchy) and governed by the rule of responsibility to the Legislature.

The North-West Frontier Province, Sind and Baluchistan were to have the same form of government as the major provinces.

The Central Legislature was to possess the authority to repeal or alter by law any of the provisions of the constitution.

Though the reservation of seats for minorities was recommended, *the principle of weightage was wholly condemned* as unworthy of adoption.

The (Jinnah) Muslim League Committee wanted to introduce some amendments. The three main items for these amendments were: Firstly, the Muslims should be given one-third representation in the Central Legislature. Secondly, that the Punjab and Bengal should have Muslim representation on the population basis for 10 years, subject to revision of this principle after that period. Thirdly, the residuary powers should be vested in the Provincial Legislatures and not with the Centre.

The All-parties Conference refused to accept any of these amendments at its Lucknow session (August 22 to 31, 1928).

Mr. Jinnah's 14 Points (1929) :—

Mr. Jinnah was deeply disappointed with the recommendations of the Nehru Report. He formulated and announced in 1929 his famous 14 points as follows:—

(1) The form of the future constitution should be federal, with residuary powers vested in the Provinces.

(2) A uniform measure of autonomy should be granted to all the Provinces.

(3) All legislatures in the country and other elected bodies should be reconstituted on the definite principle of adequate and effective representation of minorities in every Province, without reducing the majority of any province to a minority or even equality.

(4) In the Central Legislature Muslim representation should not be less than one-third.

(5) The representation of communal groups should continue to be by means of separate electorates as at present, provided that *it should be open to any community at any time to abandon its separate electorate in favour of joint electorate.*

(6) Any territorial redistribution that might at any time be necessary should not in any way affect the Muslim majority in the Punjab, Bengal the and North-West Frontier Province.

(7) Full religious liberty, that is liberty of belief, worship, observance, propaganda, association and education should be guaranteed to all communities.

(8) No bill or resolution, or any part thereof should be passed in any legislature or any other elected body, if three-fourths of the members of any community in that particular body oppose such a bill or resolution or part thereof, on the ground that it would be injurious to the interests of that community; or in the alternative such other method as may be devised, or as may be found feasible and practicable to deal with such cases.

(9) Sind should be separated from the Bombay Presidency.

(10) Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same footing as in the other Provinces.

(11) Provision should be made in the constitution, giving the Muslims an adequate share along with other Indians, in all the Services of the State and in self-governing bodies, having due regard to the requirements of efficiency.

(12) The constitution should embody adequate safeguards for the protection of Muslim religion, culture and personal law; and the promotion of Muslim education, language, religion, personal laws, Muslim charitable institutions, and for their due share in grants-in-aid given by the State and by self-governing bodies.

(13) No Cabinet, either Central or Provincial, should be formed without there being the proportion of Muslim Ministers at least one-third.

(14) No change to be made in the constitution by the Central Legislature, except with the concurrence of the States constituting the Indian Federation.

That in the present circumstances the representation of Mussalmans in the different legislatures of the country and of other elected bodies through separate electorates is inevitable, and further, Government being pledged not to deprive the Muslims of this right, it cannot be taken away without their consent; and so long as the Muslims are not satisfied that their rights and interests are safeguarded in the manner specified above (or herein) they would in no way consent to the establishment of joint electorate, with or without conditions.

All Parties Muslim Conference (1928-29)

When the Mussalmans realised that the Congress All-parties Conference was not prepared to accept their amendments to the draft constitution prepared by it, they convened an All-parties Muslim Conference at Delhi on December 31, 1928, under the presidentship of His Highness Sir Agha Khan. On January 1, 1919, this Conference passed the following resolution, which is self-explanatory:—

"Whereas, in view of India's vast extent and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of Government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of common interest as may be specifically entrusted to it by the constitution;

"And whereas, it is essential that no bill, resolution, motion or amendment regarding inter-communal matters be moved, discussed or passed by any legislature, central or provincial, if a three-fourth majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such Bill, resolution, motion or amendment;

"And whereas the right of Muslims to elect their representatives on the various Indian legislatures through separate electorates is now the law of the land, and Muslims cannot be deprived of that right without their consent;

"And whereas, in the conditions existing at present in India, and so long as those conditions continue to exist, representation in various legislatures and other statutory self-governing bodies, of Muslims through their own separate electorates is essential, in order to bring into existence a really representative democratic Government;

"And whereas, for the purposes aforesaid, it is essential that Mussalmans should have their due share in the Central and Provincial cabinets;

"And whereas, it is essential that representation of Mussalmans in the various legislatures and other statutory self-governing bodies should be based on a plan, whereby the Muslim majority in those Provinces where Mussalmans constitute a majority of population shall in no way be affected , and in the Provinces in which Mussalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law;

"And whereas, on ethnological, linguistic, geographical and administrative grounds, the Province of Sind has no affinity whatever with the rest of the Bombay Presidency, and its unconditional constitution into a separate province, possessing its own separate legislative and administrative machinery on the same lines as in other provinces of India is essential in the interests of its people, the Hindu minority in Sind being given adequate and effective representation in excess of their proportion in the population, as may be given to Mussalmans in Provinces in which they constitute a minority of population;

"And whereas, the introduction of constitutional reforms in the N.W.F. Province and Baluchistan along such lines as may be adopted in other Provinces of India, is essential not only in the interests of those Provinces, but also of the constitutional advance of India as a whole, the Hindu minorities in those Provinces being given adequate and effective representation in excess of their proportion in population, as is given to the Muslim community in Provinces in which it constitutes a minority of the population;

"And whereas, it is essential in the interests of Indian administration, that provision should be made in the constitution giving

Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency;

"And whereas, having regard to the political conditions obtaining in India, it is essential that the Indian constitution should embody adequate safeguards for the protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid;

"And whereas, it is essential that the constitution should provide that no change in the Indian Constitution shall, after its inauguration, be made by the Central Legislature, except with the concurrence of all the States constituting the Indian federation;

"This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Mussalmans unless it conforms with the principles embodied in this resolution."

The influence of this Resolution against the Nehru Report was decisive. Sir Agha Khan's intimate contacts with the British Conservative party proved very helpful in drwing England's attention to the Muslim demands.

The Simon Commission Report (1930)

As mentioned above, the Simon Commission was appointed by a Royal Warrant on November 26,1927. The Indian National Congress, the Jinnah Muslim League, and a majority of other political parties in the country boycotted the Commission. This Commission visited India first from February 3, to March 31, 1928. Its second visit lasted from October 11, 1928 to April 13, 1929. The Report of the Commission was published in 1930.

The Report recommended the abolition of dyarchy and the establishment of a unitary administration, by doing away with the classifications of subjects into Reserved and Transferred. The Ministry might include one or more non-elected persons, ordinarily experienced officials. The Governor was to select individual ministers, distribute the

portfolios, and preside at Cabinet meetings. It was suggested that at any rate in some Provinces the department of Law and Order should be placed in the hands of an official member of the Cabinet. The Governor was given the power to overrule the Ministers for certain specific purposes. The Legislative Councils were to be enlarged, in the case of the more important Provinces to a figure between 200 and 250; there was to be no official block; and even the nominated element was to be strictly limited to not more than ten per cent. In the absence of fresh agreement, communal electorates were to be retained. Muhammadans were permitted to retain the existing scale of weightage in the six out of eight provinces in which they were in minority, and it was observed that so long as they retained this weightage they could not have their seats enlarged to figures proportionate to their ratio of population in Bengal and the Punjab. Twenty per cent of the adult population was to be enfranchised. The Governor's powers to secure legislation by certification and to restore rejected demands were to extend over the same field as was covered by his overriding powers to control executive action. The distinction between votable and non-votable items in the Budget was to continue. In addition to normal overriding powers, the Governor was to possess unrestricted authority in the event of a breakdown of the constitution. The separation of Burma from British India was suggested. The principle of autonomy was not applied to the North-West Frontire Province.

Turning to the Central Government, the Commission recommended that the Legislative Assembly be reconstituted on a federal basis to represent government organs of the federal units (for the time being the Provinces only, but in course of time the States also, when the latter chose to join the Union). The Council of State was to represent both the federal principle and the senatorial character. The existing demarcation between the jurisdictions of the Central and Provincial legislatures, the Governor General's special powers to issue Ordinances, and to secure legislation by certification, the distinction between votable and non-votable items in the Budget, and the Governor-General's powers of restoration of rejected grants were to be retained.

Control over the High Courts was to be placed with *the Governor-General in Council.* Control over the Army and Defence, over the provincial governors in the exercise of their overriding powers, and in regard to relations with the native States was to vest in *the Viceroy as representative of the Crown.*

Recruitment for the Civil and Police services was to continue to be made by the Secretary of State, and no change was recommended in the rate of Indianisation of the Services, fixed on the basis of the Lee Commission's Report.

The Round Table Conference (1930—1932)

Mr. Ramsay MacDonald, the British Prime Minister at the first plenary session of the Round Table Conference, said, "when the Simon Commission was appointed (1927) we all agreed, the leaders of the three (British) political parties here agreed, that when the British Government came to consider the Repot of the Commission, to give it a legal and constitutional value, at sometime or other, and somehow, a consultation would have to take place between the representatives of the British Parliament and the representatives of Indian opinion; and that is why you are here".

The Viceroy of India, Lord Irwin on October 31, 1929 announced that "the British Government would invite representatives of different parties and interests in British-India and Indian States to meet in a Round Table Conference at London for discussion of the Indian problems."

Within twenty-four hours of the announcement, Pandit Madan Mohan Malviya, T. B. Sapru, and Miss Annie Besant assembled at Delhi. "After deep consideration the mixed gathering came to conclusions which were embodied in the manifesto, in which the signatories expressed their appreciation of the sincerity of the declaration, as also the desire of the British Government to placate Indian opinion".

The Muslim League's split of 1927 had not been bridged even by 1929. However, both Mr. Jinnah and Mian Muhammad Shafi accepted the proposal for the Round Table Conference.

The All-India Khilafat Conference on December 31, 1929 under the presidentship of Nawab Ismail Khan welcomed the declaration. The Conference was attended by the Ali Brothers, Maulana Abdul Qadir Qasuri and also Mian Muhammad Shafi.

The Jamiat-ul-Ulema Conference at Cawnpur, on December 29, 1929, under the presidentship of Maulana Muhammad Ali Jauhar condemned the Nehru Report, and hailed the Round Table Conference provided

Dr. SIR MOHAMMAD IQBAL



"Muslims of India can have no objection to purely Territorial Electorate, if Provinces are demarcated so as to secure comparatively homogeneous Communities......"

(Allahabad 1930)

"if such Muslims were selected to represent their community, as were really worshippers of the Shariat and interpreters of their own community's rights and interests."

The All-India Muslim Conference in a meeting held at Lahore on December 30 and 31, 1929 also welcomed the Viceregal announcement about the Round Table Conference, if the Muslims are represented by men "who truly represent the community, respect the inviolability of the Islamic laws, possess the confidence of their co-religionists, and give true representation to their views and sentiments."

Members of the Round Table Conference were appointed by the British Government by nomination.

There were three sessions of the Indian Round Table Conference, all in England—the first covering the period from November 12,1930 to January 19, 1931; the second beginning from September 7, 1931 and ending on December 1, 1931; and the last starting from the 17th November 1932 and finishing on the Christmas eve of the same year.

The second session of the Round Table Conference (September 7 to December 1, 1931) was also attended by Mr. Gandhi in consequence of a truce (Gandhi-Irwin Pact, March 4, 1931) between Lord Irwin and Mr. Gandhi.

The Hindus and the Muslims could not come to any agreement, consequently the British Prime Minister, Mr. Ramsay MacDonald, had to announce his historical Communal Award on August 4, 1932.

Dr. Iqbal's Presidential Address at Allahabad (1930)

Dr. Sir Muhammad Iqbal presided over the Allahabad session of the All-India Muslim League in 1930. In his presidential address, he for the first time proposed that the North-Western British Indian Provinces (excluding Kashmir) might be constituted into a separate State. This was the genesis of the conception of "Pakistan", which was later christened by Chaudhri Rehmat Ali in 1933 in England, when he formed a Muslim Students' Organization for that purpose.

In the course of his presidential address, Dr. Sir Muhammad Iqbal clearly mentioned that if a separate Muslim State is carved out, the need

for separate electorates will cease to exist. Muslims will accept joint electorate, when they possess a territory where they will be in a majority. The following extracts from his Address are relevant:—

> "The truth is that Islam is not a church. It is a State conceived as a contractual organism, long before Rousseau even thought of such a thing, and animated by an ethical ideal which regards Man not as an earth-rooted creature, defined by this or that portion of the earth, but as a spiritual being, understood in terms of his social mechanism, and possessing rights and duties as a living factor in that mechanism......
>
> "I therefore demand the formation of a consolidated Muslim State in the best interest of India and Islam. For India, it means security and peace, resulting from an internal balance of power; for Islam an opportunity to rid itself of the stamp that Arabian imperialism was forced to give it; to mobilize its laws, its education, its culture, and to bring them into closer contact with its own original spirit, and with the spirit of modern times.
>
> "The conception of federation underlying the Simon Report necessitates the abolition of the Central Legislative Assembly as a popular assembly, and makes it an assembly of the representatives of federal States. It further demands a redistribution of territory on the lines which I have indicated......
>
> "Proper redistribution will make the question of joint and separate electorates automatically disappear from the constitutional controversy of India. It is the present structure of the Provinces, that is largely responsible for this controversy. The Hindu thinks that separate electorates are contrary to the spirit of nationalism, because he understands the word 'nation' to mean a kind of universal amalgamation, in which no communal entity ought to retain its private individuality.
>
> "Such a state of things, however, does not exist. Nor is it desirable that it should exist. India is a land of racial and religious variety. Add to this the general economic inferiority of the Muslims, their enormous debt, especially in the Punjab, and their insufficient majorities in some of the Provinces as at present constituted, and

you will begin to see clearly the meaning of our anxiety to retain separate electorates.

"In such a country and in such circumstances, territorial electorate cannot secure adequate representation of all the interests, and must inevitably lead to the creation of an oligarchy.

"The Muslims of India can have no objection to a purely territorial electorate, if the Provinces are demarcated so as to secure comparatively homogeneous communities possessing linguistic, racial, cultural and religious unity."

The Second Civil Disobedience Movement (1930—32)

We have noted that the Indian National Congress in its annual session at Madras in 1927, had resolved for full independence and preparation of a constitution in consultation with the other like-minded organizations. The 1928 annual session of the Indian National Congress was held at Calcutta. Here it was resolved that in case the British Government within a year (till December 31, 1929) did not support the Nehru Report, which accepted Dominion status for India, the Congress would give up the demands in the Report and insist on complete independence.

The 1929 annual session of the Indian National Congress was held at Lahore, under the Presidentship of Pandit Jawahar Lal Nehru. Here a resolution moved by Mr. Gandhi was passed on January 31, 1929, which declared "complete independence" for India; rejected the offer for a Round Table Conference at London; called for the boycott of the Council; and announced the launching of another civil disobedience campaign.

January 26, 1930, was celebrated as the *Purna Swarajia* (Complete Independence) day all over India. The following is the text of the Independence Pledge which was taken at these public meetings:

"We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth.

"We believe also that if any government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it.

"The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally, and spiritually.

"We believe, therefore, that India must severe the British connection and attain Purna Swaraj, or complete independence.

"India has been ruined economically. The Revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day, and of the heavy taxes we pay, 20 per cent are raised from the Land Revenue, derived from the peasantry and 3 per cent from the salt tax, which falls most heavily on the poor.

"Village industries, such as hand-spinning, have been destroyed, leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts, and nothing has been substituted, as in other countries, for the crafts thus destroyed.

"Customs and Currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods constitute the bulk of our imports. Customs duties betray clear partiality for British manufactures, and revenue from them is used not to lessen the burden on the masses, but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the exchange ratio which has resulted in millions being drained away from the country.

"Politically, India's status has never been so reduced as under the British regime. No reforms have given real political power to the people. The talent of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us, and many of our country-men are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed, and the masses have to be satisfied with petty village offices and clerkships.

"Culturally, the system of education has turned us from our moorings, and our training has made us hug the very chains that bind us.

"Spiritually, compulsory disarmanent has made us unmanly and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistence, has made us think that we cannot look after ourselves, or put up a defence against foreign aggression, or even defend our homes and families from the attacks of thieves, robbers, and miscreants.

"We hold it to be a crime against Man and God to submit any longer to a rule that has caused this fourfold disaster to our country. We recognise, however, that the most effective way of gaining our freedom is not through violence.

"We will therefore prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for civil disobedience, including non-payment of taxes.

"We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence even under provocation, the end of this inhumane rule is assured.

"We therefore hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj."

On March 5, 1930, Mr. Gandhi led his famous march to Dandi (Cambay), where he started civil disobedience by manufacturing salt at the sea coast, which was prohibited legally. Mr. Gandhi chose this form of breaking the law, because he asserted that the British were oppressing the poor inhabitants of India by preventing them from manufacturing salt cheaply. Moreover, he said the British had no right to impose any tax on the manufacture of salt.

Mr. Gandhi's civil disobedience continued till March 5, 1931, when he called it off under the Gandhi-Irwin Pact, which he concluded the previous day with Lord Irwin, who at the time was the Viceroy of India.

Mr. Gandh further promised that the Congress would recognise the Round Table Conference. In return, the Government released all political prisoners who had not been guilty of violence.

Mr. Gandhi proceeded to London, where he participated in the Round Table Conference, which he had earlier boycotted. But as noted earlier, he failed to achieve agreement between the Hindus and the Muslims as regards the future constitution of India.

At this stage Mr. Gandhi withdrew from the Round Table Conference and returned to India, a very disappointed man. He returned in the last week of December 1931.

Within a week of his return, the Congress again started civil disobedience. The Government outlawed the Congress Committees, and arrested Mr. Gandhi on January 4, 1932.

In prison, Mr. Gandhi started a "fast unto death" to protest against the separation of the Scheduled Caste voters from the Caste Hindus under Ramsay MacDonald's Communal Award (August 4, 1932). On September 25, 1932, Mr. Gandhi succeeded in imposing the Poona Pact on the Scheduled Castes, under the leadership of Dr. Ambedkar. The Scheduled Castes were assured that Caste Hindus will give up untouchability. In return they agreed to choose four candidates for each Scheduled Caste constituency, from which one will be elected by the General Hindu voters of the constituency.

On July 15, 1933, Mr. Gandhi led the All-India Congress session at Poona, which decided to resume civil disobedience on August 1, 1933, when Mr. Gandhi was again arrested. He was sentenced to imprisonment for a year, but had to be released after he had once again started a "fast".

On October 24, 1934, Mr. Gandhi withdrew from the Indian National Congress, without renouncing all political activity.

The Government of India Act 1935

As we have noted earlier, the British Prime Minister Sir Ramsay MacDonald declared his Communal Award on August 4, 1932. The justification for the award was laid down in these words:—

"It will be recalled that owing to the failure of the various communities to reach anyagreement on the subject, principally because of a radical divergence of opinion on the vital question of separate electorates, and the distribution of communal seats, His Majesty's Government themselves reluctantly undertook the task of devising a scheme for the composition of the new legislatures.

"......Election to the seats allotted to Muhammadan, European and Sikh constituencies will be by voters voting in separate communal electorates, covering between them the whole area of a Province.

"Provisions will be made in the constitution itself to empower the revision of the electoral arrangement after ten years, with the assent of the communities affected, for the ascertainment of which suitable means will be devised........

"......His Majesty's Government do not consider that special 'Depressed Classes' constituencies will be required for more than a limited time. They intend that the constitution shall provide that they shall come to an end after twenty years, if they have not previously been abolished, under the general powers of electoral revision.

"Our main object in the case of the Depressed Classes has been, while securing to them the spokesmen of their own choice in the legislatures of the Provinces where they are found in large numbers, at the same time to avoid electoral arrangements which would perpetuate their segregation."

On September 25, 1932, Mr. Gandhi succeeded in imposing the "Poona Pact" on the Scheduled Castes, who were led by Dr. Ambedkar. The British Government were compelled to incorporate the provision of the Poona Pact in their White Paper, after the Scheduled Castes themselves had agreed to it. The effect of the Poona Pact was that the Scheduled Castes were given joint electorate with the Caste Hindus, with reservation of seats, and a special communal choice in the selection of parliamentary representatives.

In March 1933 the British Government published a White Paper presenting the draft proposals for the constitution of India.

A British joint Parliamentary Select Committee was appointed on April 11, 1933, which worked upon this White Paper, for the preparation of a report, on whose basis the Indian constitutional Bill was formulated in October 1934.

Finally, the Government of India Act was passed by the British Parliament, and received assent in 1935.

The Poona Pact

As we have noted above, this Pact was arrived at between the Scheduled Castes under the leadership of Dr. Ambedkar, and the Caste Hindus under the leadership of Mr. Gandhi on September 25, 1932.

The following account of the proceedings by which the Pact was arrived at is taken from the evidence of J. Shiva Shanmugham Pillai of Madras, who was one of the Scheduled Castes representatives participating in the negotiations for the Pact. His evidence is printed in the Report of the Indian Delimitation Committee, Volume III, Page 50:—

> "The representatives of the Caste Hindus and the Depressed Classes met at Poona, and arrived at a settlement.
>
> "There was much higgling and haggling about the seats. Even after two days' deliberations, no compromise was arrived at.
>
> "On the second day at about 8 p.m. Mr. Devdas Gandhi rushed to the room of the representatives, where he began to weep. Mr. Rajagopalachari and others comforted him. Then he stood up and, with tears in his eyes, addressed Dr. Ambedkar as follows: 'Oh, Doctor, is your heart made of stone ? My father is in a precarious condition. He is vomiting, and his head is shaking. You do not know what he is going to do for your community. He is going to have another fast for the sake of the Depressed Classes. Please save his life!'
>
> "There was not a soul in that hall, which was not moved by his passionate speech. On the next day the Pact was concluded......

"The leaders of the Caste Hindus had assured the Depressed Classes at Poona that on their part they would do all that was possible to remove untouchability. I think one of the signatories to the Pact said that the Depressed Classes should enjoy all the primary rights, such as walking on public roads, and taking water from public tanks, like the other Caste Hindus."

FROM THE GOVERNMENT OF INDIA ACT, 1935 TO THE LAHORE RESOLUTION, 1940

On January 20, 1935 the Central Indian Legislative Assembly passed a resolution moved by Quaid-i-Azam Muhammad Ali Jinnah to the effect that "until a substitute is agreed upon by the various communities concerned", the Communal Award should be accepted."

On April 12, 1936 the All-India Muslim League in its annual session passed the following resolution moved by Raja Ghazanfar Ali Khan:—

"Whereas, the parliamentary system of government which is being introduced in this country with the inauguration of the new constitution presupposes the formation of parties with a well-defined policy and programme which facilitates the education of the electorate, and co-operation between groups with approximate aims and ideals, and ensures the working of the constitution to the best advantage; and whereas in order to strengthen the solidarity of the Muslim community and to secure for the Muslims their proper and effective share in the Provincial Government, it is essential that the Muslims should organise themselves as one party, with an advanced and progressive programme; it is hereby resolved that the All-India Muslim League do take steps to contest the approaching Provincial elections, and for this purpose appoint Mr. Jinnah to form a Central Election Board under his presidentship, consisting of not less than 35 members, with powers to constitute and affiliate Provincial Election Boards in the various Provinces, having regard to the conditions of each Province, and devise ways and means for carrying out the aforesaid objects."

The first general elections under the Government of India Act, 1935, were over by February 1937. When the election results were out, the Muslim League could secure only two seats in the Punjab, out of whom

Raja Ghazanfar Ali Khan joined the Unionlist Party, and only the other, Malik Barkat Ali was left as the solitary Muslim League member in the Punjab Legislative Assembly. In Bengal, the Muslim League was defeated by Mr. Fazal-ul-Haq's party. However, it fared better in the U.P. and other minority Provinces.

On February 27, 1937, the All-India Congress Committee met at Wardha to consider the acceptance of Ministerial responsibility. The decision was postponed to its meeting at Delhi on March 18, 1937, when a resolution was passed permitting "Congressmen to accept office in the Provinces where the Congress party was satisfied, and could state publicly, that the Governor would not use his Special Powers for interference, or to set aside the advice of Ministers in regard to their constitutional activities."

The Governors of Madras, Bombay, U.P., Bihar, C.P., and Orissa invited Congress Parliamentary Leaders in these Provinces to constitute Ministries, but they expressed their inability to promise not to use their special powers provided in the constitution. Under the circumstances, the Congressmen refused to form Ministries.

The Congress Working Committe in a resolution at Allahabad announced on April 30, 1937 that it considered inadequate the assurance on the point by Lord Zetland, Secretary of State for India.

However, later taking shelter behind the statements of the British Prime Minister and the Viceroy, the Congress Working Committee on July 7, 1937, in a meeting at Wardha under the guidance of Mr. Gandhi felt that the situation created as a result of the circumstances and events "that have since occurred, warrants the belief that it will not be easy for Governors to use their Special Powers". Hence the Congress decided to accept office.

Mr. Muhammad Ali Jinnah, privately as well as publicly, made efforts that the Congress Ministries should enter into coalition with the Muslim League parliamentary parties. But the Congress was in high spirit after accepting office. They refused to accept any Muslim Leaguer as Minister, until he joined the Congress Parliamentary Party. Obviously this was not possible.

Delivering the presidential address in the 25th session of the All-India Muslim League (Lucknow, October 15 to 18, 1937) Mr. Jinnah criticised Congress for this non-cooperative attitude.

The Lucknow Session of the All-India Muslim League in October 1937 was attended by the late Sir Sikandar Hayat Khan, Chief Minister of the Punjab, and Mr. Fazlul Haq, Chief Minister of Bengal, who agreed to merge their Muslim parliamentary majorities with the Muslim League. This greatly enhanced the prestige of the Muslim League Organization.

The session was also the beginning of a new mass contact campaign started by the organization. The following new aims and objects were adopted by the Muslim League at this session :—

(*a*) The establishment in India of full Independence, in the form of a Federation of free democratic States, in which the rights and interests of the Mussalmans and other minorities are adequately and effectively safeguarded in the constitution ;

(*b*) To protect and advance the political, religious and other rights and interests of Indian Mussalmans ;

(*c*) To promote friendly relations and unity between the Mussalmans and other communities of India;

(*d*) To maintain and strengthen brotherly relations between the Mussalmans of India and those of other countries.

Under the Government of India Act 1935, the Governors had been given Special Powers to safeguard the interests of the minorities, by including minority representatives in the Ministries. The Muslim League was not satisfied with the policy of the Governors in permitting Congress ministries to include Muslim Ministers, who were not representatives of Muslim communal opinion. Therefore, at the Lucknow session of the All-India Muslim League, the following resolution was also passed, among others :—

"The All-India Muslim League deprecates and protests against the formation of Ministries in certain Provinces by Congress parties

> in flagrant violation of the letter and spirit of the Government of India Act 1935 and the Instrument of Instructions, and condemns the Governors for their failure to enforce the Special Powers entrusted to them to safeguard the interest of the Mussalmans and other important minorities."

In 1938, Pandit Jawahar Lal Nehru corresponded with Mr. Mohammad Ali Jinnah for a League-Congress rapprochement, but he failed. At the suggestion of Mr. Jinnah, Mr. Gandhi also initiated personal contact, but it proved fruitless. Subhas Chandra Bose too failed. The main obstacle in the way of an agreement was that Mr. Jinnah's foremost condition was that the All-India Muslim League should be recognised by the Congress as "the sole authoritative representative political organization of the Mussalmans of India". The Congress thought that by conceding this condition, it would be reduced to the status of a Hindu Communal organization.

Delivering his presidential address at the All-India National Convention on March 19, 1937, Pandit Jawahar Lal Nehru attributed the failure of the Congress to capture the Muslim seats, to a previous neglect of work among the Muslim masses. He said that was then the time to go ahead, and welcome the Muslim masses and intelligentsia to the ranks of the Indian National Congress. This was the beginning of the Congress "mass contact" among Mussalmans.

The compulsory singing of "Bande Matram" in the schools, the Wardha Educational Scheme prepared under the auspices of Mr. Gandhi, the Vidya Mandir Scheme, making Hindi a compulsory language at the schools, and other similar activities of the Congress Ministries provided occasion for criticism by the Muslim League.

At the annual session of the All-India Muslim League at Patna from December 26 to 29, 1938, Mr. Jinnah condemned the Indian National Congress as a communal Hindu body. The "Pirpur Report" after the name of its Chairman, Raja Syed Mohammad Mehdi of Pirpur, narrated Congress attrocities and oppression. It was published at the end of 1938. Here is an extract from the Report :—

> "The flag, the anthem, the reverence paid to Mr. Gandhi, the emphasis laid by the Mahatma himself on 'cow protection': all these

are evidence of a deliberate and far-reaching attack on the civic and cultural rights of the Muslim community, but its most insidious feature is the attempt to enforce the use of Hindi at the expense of Urdu."

The Working Committee of the Bihar Provincial Muslim League appointed an Enquiry Committee whose report is known as the Sharif Report, after the name of its author, S. M. Sharif.

On September 1, 1939, Britain declared War against Germany. The Viceroy involved India in the War without consulting the Congress. The Defence of India Ordinance was promulgated on September 3, 1939.

It might be recollected here that as far as the Central Government was concerned it was still being worked under the Government of India Act 1919, because the Indian Federation visualised by the Government of India Act 1935 had been postponed, after that the Indian States showed reluctance to join it, until their present powers were safeguarded.

On September 11, 1939, the Viceroy announced the indefinite postponement of the implementation of the Scheme for the formation of the Indian Federal Union.

The Congress Working Committee's meeting at Wardha on September 15, 1939, specially invited Quaid-i-Azam Mohammad Ali Jinnah to attend. But he refused "due to previous engagements".

The Congress Working Committee resolution demanded that the issue of peace or war must be decided by the people of India.

The Viceroy made a declaration on October 17, 1939, in response to the Wardha Resolution of the Congress, but the Congress was not satisfied with it. The Congress Working Committe on October 22, 1939, rejected this Viceregal Declaration.

The Viceroy expressed his willingness to expand his Executive Council, if the Congress came to an understanding with Mr. Jinnah. This further infuriated the Congress.

The Congress Working Committee decided on October 22, 1939 at Wardha that the Congress Ministries should resign. On October 23,

1939, the Parliamentary sub-Committee of the Congress instructed the Ministries to do so by October 31, 1939.

The Working Committee's resolution emphasised the demand for an Indian Constituent Assembly, elected on the basis of adult franchise.

Quaid-i-Azam Mohammad Ali Jinnah called upon the Indian Mussalmans to celebrate a Deliverance Day on Friday, December 22, 1939, because of relief from the oppression of the Congress Ministries. This was a final parting of the ways between the Congress and the Muslim League after 27 years of cooperation in their respective struggles against the foreign rulers.

The Lahore Resolution 1940

After the All-India Muslim League's Lahore session in March 1940, Quaid-i- Mohammad Ali Jinnah declared in a Press Conference that :—

> "Exchange of population, on the physical division of India as for as practicable, will have to be considered."

The following is the text of the famous Lahore Resolution which was moved on 23 March 1940 by Mr. Fazlul Haq and seconded by Ch. Khaliquzzaman :—

> "While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League as indicated in their resolutions dated the 27th of August, 17th and 18th of September and 22nd of October, 1939, and 3rd of February, 1940, on the constitutional issue, this session of the All-India Muslim League emphatically reiterates that the scheme of Federation embodied in the Government of India Act, 1935, is totally unsuited to this country, and is altogether unacceptable to Muslim India.

> "It further records its emphatic view that while the declaration dated the 18th of October, 1939, made by the Viceroy on behalf of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various

parties, interests and communities in India, Muslim India will not be satisfied unless the whole Constitutional Plan is considered *de novo*, and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

"Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz.,

'That geographically contiguous Units are demarcated into Regions which should be so constituted with such territorial readjustments as/may be necessary that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern Zones of India, should be grouped to constitute "Independent States", in which the Constituent Units shall be autonomous and sovereign.

'That adequate, effective and mandatory safeguards should be specifically provided in the constitution for the Minorities in the Units, and in the Regions: for the protection of their religious, cultural, economic, political and administrative, and other rights and interests, in consultation with them; and in other parts of India where the Mussalmans are in a Minority, adequate, effective and mandatory safeguards shall be specific —for the protection of their religious, cultural, economic, political, administrative and other rights and interests, in consultation with them.'

"This session further authorises the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally, by the respective Regions of all powers, and such other matters as may be necessary."

This resolution was incorporated in the Muslim League Constitution published in May 1940 by Shaheed-i-Millat Liaquat Ali Khan as the Honorary Secretary of the Organization at the time in the following form :—

(*i*) The establishment of completely Independent States formed by (demarcating geographically contiguous Units into) Regions

which shall be so constituted (with such territorial readjustments as may be necessary) that the *areas* (in which the Mussalmans are numerically in a majority, as) in the North Western and Eastern zones of India, shall (be grouped together to) constitute Independent States (as Muslim Free National Homelands, in which the constituent Units shall be autonomous and sovereign);

(*ii*) That adequate, effective and mandatory safeguards shall be specifically provided in the constitution for Minorities in the above mentioned Units and Regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests, in consultation with them ;

(*iii*) That in other parts of India where the Mussalmans are in a minority, adequate, effective, and mandatory safeguards shall be specifically provided in the constitution for them and other minorities, for the protection of their religious, cultural, economic, political, administrative and other rights and interests, in consultation with them.

In his presidential address at the Lahore session of the All-India Muslim League in 1940, Quaid-i-Azam Mohammad Ali Jinnah had welcomed the assurance contained in the following words in the Viceroy's letter dated December 23, 1939 to the Quaid-i-Azam :—

"My answer to your first question is that the Declaration I made with the approval of His Majesty's Government on October 13 last, does not exclude examination of any part, either of the Act of 1935, or of the policy and plans on which it is based.

But the Quaid-i-Azam had demanded that in addition to the opportunity for a *de novo* consideration of the constitutional problem, the British Government must also agree that the constitutional problem of India will not be solved without consulting Indian Mussalmans. In response to this further demand the Viceroy made the following historic Declaration on August 8, 1940 :—

"India's anxiety at this moment of critical importance in the world struggle against tyranny and aggression to contribute to the full to the common cause and to the triumph of our common ideals is manifest.

"She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government

are deeply concerned that unity of national purpose in India which would enable her to do so, should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorised me to make the present statement.

"Last (17) October (1939) His Majesty's Government again made it clear that Dominion Status was their objective for India.

"They added, that they were ready to authorise the expansion of the Governor-General's Council, to include a certain number of representatives of political parties, and they proposed the establishment of a consultative committee.

"In order to facilitate harmonious co-operation it was obvious that some measure of agreement in the Provinces between the major parties was a desirable pre-requisite to their joint collaboration at the Centre. Such agreement was unfortunately not reached, and in the circumstances no progress was then possible.

"During the earlier part of this year, I continued my efforts to bring the political parties together. In these last few weeks, I again entered into conversation with prominent political personages in British India and the Chancellor of the Chamber of Princes, the results of which have been reported to His Majesty's Government. His Majesty's Government have also seen the resolutions passed by the Congress Working Committee, the Muslim League, and the Hindu Mahasabha.

"It is clear that the earlier differences which had prevented the achievement of national unity, remain unbridged.

"Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of these differences, postpone the expansion of the Governor-General Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the War by the Central Government.

"They have authorised me accordingly, to invite a certain number of representative Indians to join my Executive Council. They have

authorised me further to establish a War Advisory Council which contains representatives of the Indian States and of other interests in the national life of India as a whole.

"The conversations which have taken place and the resolutions of the bodies which I have just mentioned, make it clear, however, that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India, and that there is doubt too, as to whether the position of the Minorities, whether political or religious, is sufficiently safeguarded in relation to any constitutional change, by the assurance already given.

"There are two main points which have emerged. On those two points, His Majesty's Government now desire me to make their position clear.

"The first is as to the position of Minorities in relation to any future constitutional scheme. It has already been made clear that my Declaration of last October does not exclude examination of any part either of the Act of 1935, or of the policy and plans, on which it is based. His Majesty's Government's concern that full weight should be given to the views of the minorities in any revision, has also been brought out. That remains the position of His Majesty's Government.

"It goes without saying, that they could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

"The second point of general interest is the machinery for building within the British Commonwealth of Nations a new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire and wish to see it given the fullest practical expression, subject to the

due fulfilment of the obligations which Great Britain's long connection with India has imposed upon her, and for which His Majesty's Government cannot divest themselves of responsibility.

"It is clear, that a moment when the Commonwealth is engaged in a struggle for existence, is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorised me to declare that they will most readily assent to the setting up, after the conclusion of the War, with the least possible delay, of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution, and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree.

"Meanwhile, they will welcome and promote, in any way possible, every sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement, firstly on the form which the post-war representative body should take, and the methods by which it should arrive at its conclusions, and, secondly, upon the principles and outlines of the Constitution itself.

"They trust, however, that for the period of the war, with the Central Government reconstituted and strengthened in the manner I have described, and with the help of the War Advisory Council, all parties, communities and interests will combine and co-operate in making a notable Indian contribution to the victory of the world cause which is at stake.

"Moreover, they hope that in this process, new bonds of union and understanding will emerge and thus pave the way towards the attainment by India of that free and equal partnership in the British Commonwealth, which remains the proclaimed and accepted goal of the Imperial Crown and of the British Parliament."

FROM CRIPPS MISSION (1942) TO THE BRITISH GOVERNMENT DECLARATION OF 16 MAY (1946)

On March 11, 1942, Mr. Churchill who had displaced Mr. Chamberlain as Prime Minister of Britain; under pressure from Mr. Roosevelt, the President of U.S.A., Marshal Chiang Kai Shek, and Australia who at the

time was threatened by Japanese invasion: issued a statement on the constitutional problems in India, before the House of Commons.

Sir Stafford Cripps, who had been at one time a Socialist, and had successfully negotiated the Russo-British alliance after the invasion of Russia by Hitler, was to visit India as a member of Mr. Churchill's Cabinet, and to seek the assent of the Indian leaders for a Cabinet plan of constitutional reforms—both future and present.

Cripps arrived in New Delhi on March 22, 1942. On April 10, 1942, the Cripps-Congress negotiations broke down. On April 11, 1942, he gave a parting broadcast message, and returned to England.

The following is the text of the Declaration which Mr. Cripps brought with him from England:—

> "His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India.
>
> "The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and other Dominions, by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.
>
> "His Majesty's Government, therefore, make the following Declaration:—
>
> (*a*) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in a manner described hereafter, an elected body charged with the task of framing a new constitution for India.
>
> (*b*) Provision shall be made, as set out below, for participation of Indian States in the Constitution-making body.
>
> (*c*) His Majesty's Government undertake to accept the constitution so framed subject only to:

(*i*) The right of any Province of British India that is not prepared to accept the new constitution, to retain its present constitutional position, provision being made for its subsequent accession, if it so decides.

With such-non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union, and arrived at by a procedure analogous to that here laid down.

(*ii*) The signing of a treaty which shall be negotiated between His Majesty's Government and the Constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements, so far as this may be required in the new situation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form, before the end of hostilities.

Immediately upon the result being known of Provincial elections, which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making body, by the system of proportional representation. This new body shall be in number about 1/10th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion as to their total population as in the case of representatives of British India as a whole, and with the same powers as British Indian members.

(*e*) During the critical period which now faces India and until the new Constitution can be framed, His Majesty's Government must inevitably bear the responsibility for, and retain the control and direction of, the Defence of India, as part of their World War-effort; but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India, with the co-operation of the peoples of India.

His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth, and of the United Nations. Thus they will be enable to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India."

The Congress Working Committee communicated to Sir Stafford Cripps the following resolution on April 2, 1942, but it was released to the Press only on April 10, 1942, after the Cripps Mission had failed:—

"The Working Committee have given their full and earnest consideration to the proposals made by the British War Cabinet, in regard to India, and the elucidation thereof by Sir Stafford Cripps.

"These proposals, which have been made at the very last hour, because of the compulsion of events, have to be considered not only in relation to India's demand for independence, but more especially in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the World.

"The Congress has repentedly stated, ever since the commencement of the war in September 1939, that the people of India would line themselves with the progressive forces of the World, and assume full responsibility to face the new problems and shoulder the new

burdens that had arisen, and it asked for the necessary conditions, to enable them to do so, to be created.

"An essential condition was the freedom of India, for only the realization of present freedom could light the flame which would illumine millions of hearts and move them to action.

"At the last meeting of the All-India Congress Committee after the commencement of the war in the Pacific, it was stated that 'only a free and Independent India can be in a position to undertake the defence of the country on a national basis, and be of help in the furtherance of the larger causes that are emerging from the storm of war.'

"The British War Cabinet's new proposals relate principally to the future upon the cessation of hostilities. The Committee, while recognizing that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and circumscribed, and certain provisions have been introduced which gravely imperil the development of a free and united nation, and the establishment of a democratic State.

"Even the constitution-making body is so constituted that the people's right to self-determination is vitiated by the introduction of non-representative elements.

"The people of India have as a whole clearly demanded full independence, and the Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to, or could meet, the essential requirements of the present situation.

"The Committee recognize that future independence may be implicit in the proposals, but the accompanying provisions and restrictions are such that real freedom may well become an illusion.

"The complete ignoring of the ninety millions of the people of the Indian States, and their treatment as commodities at the disposal of their rulers is a negation of both democracy and self-determination.

"While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage, while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails, and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency, and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

"The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity, and an apple of discord, likely to generate growing trouble in the Provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves in the Indian Union.

"The Congress has been wedded to Indian freedom and unity, and any breakin that unity, especially in the modern world, when people's minds inevitably think in terms of ever larger federations, would be injurious to all concerned, and exceedingly painful to contemplate.

"Nevertheless the Committee cannot think in terms of compelling the people in any Territorial Unit to remain in an Indian Union, against their declared and established will.

"While recognizing this principle, the Committee feel that every effort should be made to create conditions which would help the different Units in developing a common and co-operative national life.

"The acceptance of the principle, inevitably involvesthatno changes should be made which may result in fresh problems being created, and compulsion being exercised on other substantial groups within that area.

"Each territorial Unit should have the fullest possible autonomy within the Union, consistent with a strong National State.

"The proposal now made on the part of the British War Cabinet encourages and will lead to attemps at separation, at the very inception of a Union, and thus create friction just when the utmost co-operation and goodwill are most needed.

"This proposal has been presumably made to meet a communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among different communities to create trouble and divert public attention from the vital issues before the country.

"Any proposal concerning the future of India must demand attention and scrutiny, but in today's grave crisis, it is the present that counts, and even proposals for the future are important in so far as they affect the present.

"The Committee have necessarily attached the greatest importance to this aspect of the question, and on this ultimately depends what advice they should give to those who look to them for guidance.

"For this present, the British War Cabinet's proposals are vague and altogether incomplete, and it would appear that no vital changes in the present structure are contemplated.

"It has been made clear that the Defence of India will, in any event, remain under British control. At any time Defence is a vital subject; during war-time it is all important, and covers almost every sphere of life and administration. To take away Defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and a nullity, and to make it perfectly clear that India is not going to be free in any way, and her Government is not going to function as a free and independent government during the pendency of the War.

"The Committee would repeat that an essential and fundamental pre-requisite for the assumption of responsibility by the Indian people in the present, is their realization as a fact that they are free and are in charge of maintaining and defending their freedom.

"What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of Defence.

"It is only thus that even at this grave eleventh hour, it may be possible to galvanize the people of India to rise to the height of the occasion.

"It is manifest that the present Government of India, as well as its provincial agencies, are lacking in competence, and are incapable of shouldering the burden of India's Defence.

"It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present freedom and full responsibility being cast upon them.

"The Committee, therefore, are unable to accept the proposals put forward on behalf of the British War Cabinet."

The following is the text of the Muslim League Working Committee resolution on the Cripps proposals, which was released to the Press on April 11, 1942:—

"The Working Committee of the All-India Muslim League have given their most earnest and careful consideration, to the announcements made by Mr. Churchill, the British Prime Minister, in the House of Commons on March 11, 1942, and the draft declaration of the War Cabinet of His Majesty's Government regarding the future of India and also the interim proposals, during the critical period which now faces India, for the immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country.

"The Committee appreciate that the British Prime Minister, in his pronouncement, made it clear that the draft declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India, thus maintaining the validity of the Declaration of August 8, 1940, which had promised to the Mussalmans that

neither the machinery for the framing of the constitution should be set up nor the consitution itself should be enforced, without the approval and consent of Muslim India.

"The Committee, while expressing their gratification that the possibility of Pakistan is recognized by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government, embodying the fundamentals, are not open to any modification and, therefore, no alternative proposals are invited.

"In view of the rigidity of the attitude of His Majesty's Government, with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for reasons given below.

"(1) The Mussalmans, after twenty-five years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interest of peace and happiness of the two peoples, to compel them to constitute one Indian Union, composed of the two principal Nations—Hindus and Muslims—which appear to be the main object of His Majesty's Government, as adumbrated in the preamble of the draft declaration, the creation of more than one Union being relegated only to the realm of remote possibility, and is purely illusory.

"(2) In the draft declaration, a constitution-making body has been proposed, with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones; and it will, therefore, be unfair to the Mussalmans to compel them to enter such a constitution-making body, whose main object is the creation of a new Indian Union.

"With conditions as they are, it will be not only futile, but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

"Besides, the machinery which has been proposed for the creation of the constitution-making body, namely, that it will consist of members elected by the newly elected lower Houses of the eleven provinces, upon the cessation of hostilities, as a single electoral college, by the system of proportional representation, is a fundamental departure from the right of the Mussalmans, hitherto enjoyed by them, to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of the Mussalmans can be chosen.

"The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so far followed in the various countries and dominions; and the Mussalmans, by agreeing to this will, instead of exercising their right and judgment as a constituent fact, be entirely at the mercy of the constitution-making body, in which they will be a minority of about twenty-five per cent.

"(3) The right of non-accession to the Union, as contemplated in the draft declaration, has been conceded, presumably, in response to the insistent demands by the Mussalmans for the partition of India, but the method and procedure laid down are such as to negative the professed object, for, in the draft proposals, the right of non-accession has been given to the existing Provinces, which have been formed from time to time for Administrative convenience and on no logical basis.

"The Mussalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny, and demand a clear and precise pronouncement on the subject.

"Any attempt to solve the future problem of India by the process of evading the real issues is to court disaster.

"In the draft proposals, no procedure has been laid down as to how the verdict of the Province is to be obtained in favour of, or against accession to one Union, but in the letter dated April 2, from the Secretary of Sir Stafford Cripps, addressed to the President of the

All-India Muslim League, it is stated that 'a Province should reach the decision whether or not to stand out of the Union, by a vote in the Legislative Assembly, on a resolution to stand in. If the majority for accession to the Union is less than sixty per cent, the minority will have the right to demand a plebiscite of the adult population.'

"In this connection it must be emphasized that in the Provinces where the Mussalmans are in a majority, as in the case of the Punjab and the Bengal, they are in a minority in the Legislative Assemblies; and in the Assemblies of Sind and the North-West Frontier Province, where the total number, namely, sixty and fifty respectively, is so small, and the weightage given to the non-Muslims so heavy, it can be easily manipulated; and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Mussalmans of those Provinces.

"As regards the suggested plebiscite in the Province in which the Mussalmans are in a majority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the provinces and not to the Mussalmans alone, which is to deny them the inherent right to self-determination.

"(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join, or form, a union.

"(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties, nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty-arrangements with the Indian States in the new situation.

"(6) With regard to the interim arrangement, there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels

of their country, of the Commonwealth, and of the United Nations.

"The Committee are, therefore, unable to express their opinion until a complete picture is available.

"Another reason why the Committee are unable to express their opinion about the interim arrangements for participation in the counsels of the country, is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole, and that it would not be possible to retain only the part relating to the immediate arrangements at the centre and discard the rest of the draft scheme, and as the Committee has come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.

"In conclusion, the Committee wish to point out that the position of the Muslim League has been and is that unless the principle of the Pakistan Scheme, as embodied in the Lahore Resolution dated March 1940, which is now the creed of the All-India Muslim League, namely—

'The establishment of completely independent States formed by demarcating geographically contiguous units into regions which shall be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Mussalmans are numerically in a majority, as in the North-Western and Eastern zones of India, shall be grouped together to constitute independent States, as Muslim free national Homelands in which the constituent units shall be autonomous and sovereign;

'That adequate, effective and mandatory safeguards shall be specifically provided in the constitution for minorities in the above mentioned units and regions, for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them;

'That in other parts of India, where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall

> be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests, in consultation with them.'

is unequivocally accepted, and the right of the Mussalmans to self-determination is conceded, by means of a machinery which will relect the true verdict of Muslim India, it is not possible for the Muslim League to accept any proposal or scheme regarding the future."

On April 23, 1942 the Provinical Congress Parliamentary Party met at Madras, those present including Mr. Rajagopalachari, about 50 members of the Central and the Provincial Legislatures, and 50 members of various Congress Committees. Two resolutions were adopted, for submission to the All-India Congress Committee which was to meet at Allahabad on April 29, 1942. One of these resolutions recommended that "it has become necessary to choose the lesser evil, and acknowledge the Muslim League claim for separation when the time comes for framing a constitution for India, and to invite the Muslim League for a consultation for the purpose of arriving at an agreement, and securing the installation of a National Government to meet the present emergency." The resolution was adopted by 37 votes against six. The second resolution proposed that in the Province of Madras which was threatened by a Japanese invasion, a National Government might be permitted with the participation of the Muslim League.

On April 25, 1942, Mr. Rajagopalachari met Mr. Gandhi at Wardha to discuss the two Madras resolutions.

The Congress Working Committee met at Allahabad on April 27-28 to discuss the agenda for the forthcoming meeting. The reception inside the Working Committee of Mr. Rajagopalachari's resolutions was unfavourable. On April 30, 1942, Mr. Rajagopalachari resigned from the Congress Working Committee in order to sponsor his resolutions.

On May 2, 1942, Mr. Rajagopalachari moved a resolution at the Allahabad session of the All-India Congress Committee, urging upon the Congress to recognise the Muslim League claim for separation. Speaking on the resolution, he said, that Congressmen "had hardened their hearts and lost resiliency of ideas". He made an appeal not to remain content

with a "policy of masterly inactivity". He invited to "dare greatly". The resolution was rejected by 120 votes against 15.

On the same day, another resolution by Mr. Jagat Narayan Lal was passed by the All-India Congress Committee at Allahabad, by 92 votes against 17, opposing any proposal to "disintegrate India."

At the same time the All-India Congress Committee in its Allahabad session confirmed the Delhi resolution of the Congress Working Committee passed on the occasion of rejecting Sir Stafford Cripp's proposals, which visualized that any Province desiring to separate from the Indian Union had the option to do so.

"Quit India" Resolution of the Indian National Congress (14 July—8 August 1942)

After the failure of the Cripps Mission, the Congress was very much frustrated and annoyed. On Saturday, 8 August 1942, the All-India Congress Committee in a Session at Bombay, passed the following historic "Quit India" resolution. It was a confirmation of the Congress Working Committee's Resolution of July 14, 1942:—

> "The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated July 14, 1942, and to subsequent events, including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad.
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> "The Committee approves of and endorses the Resolution, and is of opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success of the cause of the United Nations.
>
> "The continuation of that rule is degrading and enfeabling India and making her progressively less capable of defending herself, and of contributing to the cause of world freedom.

"The Committee has viewed with dismay the deterioration of the situation on the Russian and Chinese fronts, and conveys to the Russian and Chinese peoples its high appreciation of their heroism in defence of their freedom.

"This increasing peril makes it incumbent on all those who strive for freedom and who sympathise with the victims of aggression, to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure.

"It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them.

"These policies have been based not on freedom so much as on the domination of subject and colonial countries, and the continuation of the imperialist tradition and method.

"The possession of an Empire, instead of adding to the strength of the ruling power, has become a burden and a curse. India, the classic land of modern imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the peoples of Asia and Africa be filled with hope and enthusiasm.

"The ending of British rule in this country is thus a vital and immediate issue on which depends the future of the War, and the success of freedom and democracy.

"A free India will assure this success by throwing all her great resources in the struggle for freedom, and against the aggression of Nazi-ism and imperialism.

"This will not only affect materially the fortunes of the War, but will bring all subject and oppressed humanity on the side of the United Nations, and give these nations, whose ally India would be, the moral and spiritual leadership of the world.

"India in bondage will continue to be the symbol of British imperialism, and the taint of that imperialism will affect the fortunes of the United Nations.

"The period of today, therefore, necessitates the independence of India and the ending of British domination. No furture promises or guarantees can affect the present situation, or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people, which will immediately transform the nature of the war.

"The A.I.C.C. therefore repeats with all emphasis the demand for the withdrawal of the British power from India. On the declaration of India's independence, a provisional Government will be formed, and free India will become an ally of the United Nations, sharing with them, in the trials and tribulations, of the joint enterprises of the struggle for freedom.

"The provisional Government can only be formed by the cooperation of the principal parties and groups in the country. It will thus be a composite Government, representative of all important sections of the people of India.

"Its primary functions must be to defend India, and resist aggression with all the armed as well as the non-violent forces at its command, together with its allied powers, and to promote the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong.

"The provisional Government will evolve a scheme for a Constituent Assembly, which will prepare a constitution for the Government of India, acceptable to all sections of the people.

"This constitution, according to the Congress view, should be a Federal one, with the largest measure of autonomy for the federating Units, and with the residuary powers vesting in these Units.

"The future relations between India and the Allied Nations will be adjusted by representatives of all those free countries conferring together for their mutual advantage, and for their cooperation in the common task of resisting aggression.

"Freedom will enable India to resist aggression effectively, with the people's united will and strength behind it.

"The freedom of India must be the symbol of and prelude to this freedom of all other Asiatic Nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom.

"It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other colonial power.

"While the A.I.C.C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved.

"Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation by another, the protection of national miniorities, the advancement of all backward areas and peoples, and the pooling of the World's resources for the common good of all.

"On the establishment of such a world federation, disarmament would be practicable in all countries, national armies, navies and air forces would no longer be necessary, and a World Federal Defence Force would keep the world peace, and prevent aggression.

"An independent India would gladly join such a World Federation, and cooperate on an equal basis with other countries in the solution of international problems.

"Such a federation should be open to all Nations, who agree with its Fundamental Principles. In view of the war, however, the federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now, will have a most powerful effect on the war, on the peoples of the Axis countries, and on the Peace to come.

"The Committee regretfully realises, however, that despite the tragic and overwhelming lessons of the war and the perils that over-hang

the world, the Governments of few countries are yet prepared to take this inevitable top towards world federation.

"The reactions of the British Government and the misguided criticisms of the Foreign press, also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet the present peril, and to enable India to defend herself, and help China and Russia in their hour of need.

"The Committee is anxious not to embarrass in any way the defence of China or Russia, whose freedom is precious and must be preserved, or to jeopardise the defensive capacity of the United Nations.

"But the peril grows both to India and these nations; and inaction and submission to a foreign administration at this stage, is not only degrading India and reducing her capacity to defend herself and resist aggression, but is no answer to that growing peril, and is no service to the peoples of the United Nations.

"The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response, and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need, and sometimes even hostility to India's freedom, which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people, conscious of their strength and of the justice of their cause.

"The A. I. C. C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to British and the United Nations.

"But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over it, and prevents it from functioning in its own interest and in the interest of humanity.

"The Committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest

possible scale, so that the country might uulise all the non-violent strength it has gathered during the last 22 years of peaceful struggle.

"Such a struggle must inevitably be under the leadership of Gandhiji, and the Committee requests him to take the lead, and guide the nation in the steps to be taken.

"The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji, and carry out his instructions as disciplined soldiers of Indian freedom.

"They must remember that non-violence is the main spring of this movement.

"A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens, every man or woman who is participating in this Movement must function for himself or herself within the four corners of the general instructions issued.

"Every Indian who desires Freedom, and strives for it, must be his own guide, urging him on, along the hard road where there is no resting place, and which leads ultimately to the independence and deliverance of India.

"Lastly, whilst the A. I. C. C. has stated its own view of the future governance under free India, the A. I. C. C. wishes to make it quite clear to all concerned, that by embarking on a mass struggle, it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India."

The Muslim League Working Committee held a long session from August 16 to 20, 1942 at Bombay. There, the following resolution was passed defining Muslim League stand on the "Quit India Resolution" of the Indian National Congress :—

"The Working Committee of the All-India Muslim League, having given their deep and anxious consideration to the present political development in the country, deplore the decision arrived at by the

All-India Congress Committee on August 8, 1942, to launch an "open rebellion" by resorting to mass civil disobedience movement, in pursuance of their objective of establishing Congress Hindu domination in India, which has resulted in lawlessness and considerable destruction of life and property.

"It is the considered opinion of the Working Committee, that this Movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling themselves from carrying out their moral obligations and pledges given to the Mussalmans and other sections of the people of India from time to time, but also to force the Mussalmans to submit and surrender to the Congress terms and dictation.

"Eversince the beginning of the War and even prior to that, the sole objective of the Congress policy has been either to cajole or to coerce the British Government into surrendering power to the Congress—a Hindu body with a microscopic following of other communities, in utter suppression of one hundred million of Mussalmans, besides millions of other people of this vast sub-Continent of India.

"While claiming the right of self-determination for India, which is a mere Congress euphamism for Hindu majority, it has persistently opposed the right of self-determination for the Muslim nation, to decide and determine their own destiny.

"On May 1, 1942, the All India Congress Committee by their resolution emphatically repudiated the Muslim League demand for the right of self-determination for Muslims, and thus closed the door for the settlement of the communal problem, which is a condition precedent to the attainment of the Freedom and independence of India.

"The Congress had also recognised this as an indispensable condition, and had therefore made it a prominent plank in the Congress programme for over twenty years, but by their recent decisions have suddenly thrown it overboard, and in its stead substituted the fantastic theory that the solution of the Hindu-Muslim problem can only follow the withdrawal of British power from India.

"The negotiations of Sir Stafford Cripps with the Congress broke down not on the issue of Independence, but because of the refusal of the British Government to hand over the Muslims and the minorities to the tender mercies of the Congress. Any acquiescence in this on the part of the British, would have been strenously resisted by the minorities and particularly by the Muslim Nation, with memories of tyranny in the Congress governed Provinces still fresh and vivid in their minds.

"Baulked in their effort to cajole Sir Stafford Cripps to agree to the transfer of power to the Congress caucus, they decided upon a slogan—"Quit India"—accompanied with the threat of mass civil disobedience. This slogan is a mere camouflage, and what is really aimed at is the supreme control of the Government of the country by the Congress.

"The Mussalmans are not a whit less insistent on freedom for the country and the achievement of Independence of the people of India, which is the creed of the All-India Muslim League. They are, however, firmly convinced that the constituent elements in the life of the country are out for the establishment of Hindu Raj, and to deal a death blow to the Muslim goal of Pakistan.

"The Working Committee of the All-India Muslim League note with dissatisfaction the attitude and policy of the British Government towards the national aspirations of one hundred million of Muslims of India.

"While the Congress aims at ignoring and suppressing the Muslim demand, the Working Committee regret that the British Government have been unresponsive to the Muslim League's offer of co-operation. The appeasement of the Congress has been the central pivot of the Government policy, with barren and sterile results, and has now culminated in the open defiance of law and order.

"Since the commencement of hostilities, the Muslim League has been ready and willing, whether singly, or in cooperation with other parties, to shoulder the responsibility for running the administration and mobilising the resources of the country, for the War efforts for the defence of India, if a real share in the power and

authority of the Government at the Centre and in the Provinces was conceded within the framework of the present constitution, and in pursuance of this policy, the Muslim League accepted the underlying principles of the August offer of 1940 of the British Government.

"But the Government in implementing the offer, nullified the essential principles of it, and so made it impossible for the Muslim League to cooperate with the Government on honourable terms. In spite of the fact that the British Government had then spurned the cooperation of the Muslim League; still under the imminent shadow of the Japanese menace, the Muslim League once again reiterated their offer by their resolution of December 27, 1941 in the following words;

> 'In view of the fact that the entry of Japan in the war on the side of the Axis powers, has brought the danger much closer to India, and has forced into greatest prominence the question of the defence of India, the Working Committee consider it necessary to reiterate that the Muslim League, from the very beginning, has expressed its willingness to share the responsibility of the defence of the country, as is evident from the stand taken by the President of the All-India Muslim League as far back as November 1939.
>
> The Working Committee once more declare, that they are ready and willing as before to shoulder the burden of the defence of the country, singly, or in cooperation with other parties, on the basis that a real share and responsibility is given in the authority of the Government at the Centre and the Provinces within the framework of the present constitution, but without prejudice to the major political issues involved in the framing of the future Constitution.'

"But the British Government completely ignored the offer of the Muslim League.

"While the proposals of Sir Stafford Cripps virtually conceded the Congress demands on the right of secession from the British Commonwealth of Nations, and forming of a Constituent Assembly with a preponderant Hindu majority for the framing of the postwar constitution, they merely recognised the possibility of establishing Pakistan, supposed to be implicit in the non-secession scheme.

"The Working Committee are definitely of the opinion that if the Muslim masses are to be roused to intensify the War-effort with all the sacrifices that are involved in it, it is only possible, provided they are assured that it would lead to the realisation of the inspiring goal of Pakistan.

"The Muslim League, therefore, calls upon the British Government to come forward, without any further delay, with an unequivocal declaration guaranteeing to the Mussalmans the right of self-determination, and to pledge themselves that they would abide by the verdict of the plebisicite of Mussalmans, and give effect to the Pakistan scheme, in consonance with the basic principles laid down by the Lahore Resolution of the All-India Muslim League passed in March 1940.

"Having regard to the oft-repeated declaration of the United Nations to secure and guarantee the freedom and independence of the smaller nations of the world, the Working Committee invite the immediate attention of the United Nations to the demand of one hundred millions of Muslims of India to establish sovereign States in the Zones which are their Homelands, and where they are in a majority.

"The Working Committee are fully convinced that Pakistan is the only solution of India's constitutional problem, and it is in complete consonance with justice and fairplay to the two great nations—Muslims and Hindus—inhabiting this vast sub-Continent; whereas if the Congress demand is accepted, it would bring the hundred millions of Mussalmans under the yoke of Hindu Raj, whch must inevitably result either in anarchy and chaos, or complete stirangulation and annihilation of Muslim India, and all that Islam stands for.

"The Muslim League, as it has been repeatedly made clear, stands not only for Pakistan and the freedom of Muslims, but also for the freedom and independence of Hindustan and the Hindus.

"The Muslim League has been, and is, ready and willing to consider any proposal and negotiate with any party on a footing of equality for the setting up of a provisional Government of India, in order to mobilise the resources of the country for the purpose of the

Defence of India and the successful prosecution of the War, provided the demands of Muslim India, as indicated above, are conceded unequivocally.

"In these circumstances, the Working Committee of the All-India Muslim League, after anxious and careful consideration, call upon the Mussalmans to abstain from any participation in the Movement initiated by the Congress, and to continue to pursue their normal peaceful life.

"The Working Committee hope that no attempt shall be made from any quarter to intimidate, coerce, molest or interfere in any manner with the normal life of the Muslims, otherwise the Muslims would be compelled and justified to offer resistance, and adopt all such measures as may be necessary for the protection of their life, honour and property."

Delivering his presidential address at the 30th session of the All-India Muslim League at Delhi on 24 April 1943, Quaid-e-Azam Mohammad Ali Jinnah quoted the following statement of Mr. Gandhi from his own newspaper, "Young India" dated October 12, 1921 :—

"I call myself a Sanatani (orthodox Hindu), because, firstly I believe in the Vedas, the Upanishads, the Puranas......secondly, I believe in the Varn Asharama Dharma (Caste System)......Thirdly, I believe in the protection of cow as an Article of Faith, and Fourthly, I do not disbelieve in idol worship."

In the course of the same speech, Quaid-e-Azam Mohammad Ali Jinnah observed that if Mr. Gandhi was "repentant", he should write to him and not to the Viceroy. But he added that he would not take the initiative, because he did not believe in a change of heart by Mr. Gandhi. He ascribed all the failure of the past 25 years in reaching a settlement, to Mr. Gandhi, whose aim was to convert India into a "Gandhi Ashram".

On May 26, 1943 the Government of India declared that they had received a short letter from Mr. Gandhi to be forwarded to Mr. Jinnah, expressing a wish to meet him. Later it become known that the letter was dated May 4, 1943. The communique added :—

"The Government have decided that this letter cannot be forwarded, and have so informed Mr. Gandhi and Mr. Jinnah. They are not prepared to give facilities for political correspondence or contact to a person detained for permitting an illegal mass movement; which he has not disavowed; and thus gravely embarassing India's War-effort at a critical time. It rests with Mr. Gandhi to satisfy the Government that he can safely be allowed once more to participate in the public affairs of the country, and until he does so, the disabilities from which he suffers are all of his own choice."

After Mr. Gandhi's release from detention on May 6, 1944, the text of this letter was published on a request by "*Dawn*", an organ of the Muslim League. In this Mr. Gandhi had suggested a meeting "face to face, rather than talking through correspondence". He asked whether it was not possible that Mr. Jinnah and he himself should "approach the great question of communal unity, as men determined on finding a common solution, and work together to make our solution acceptable to all who are concerned or interested in it".

Mr. Jinnah in a public statement on May 28, 1943, characterised Mr. Gandhi's letter "as a move to embroil the Muslim League with the British Government, solely for the purpose of helping Mr. Gandhi's release". This was not the kind of letter he had suggested in his speech at the Delhi session of the Muslim League. "My speech was directed to meet the appeals made to me by Hindu leaders, that the Muslim League should do something towards the solution of the deadlock. Some responsible leaders pressed upon me that Mr. Gandhi, realising that he had made a mistake, has changed his attitude about Pakistan, and would be willing to come to a settlement on that basis, but the British Government prevented a Hindu-Muslim settlement by refusing to allow people of position and standing to establish contact with him. I, therefore, suggested that if Mr. Gandhi wrote me a letter indicating that he was prepared to abandon his policy and programme, culminating in the resolution of August 8, 1942, and was willing to come to a settlement on the basis of Pakistan, we should be willing to bury the past, and forget it. I still believe that the Government will not dare to stop such a letter if it came from Mr. Gandhi."

Mr. Rajgopalachari in a statement on May 28, 1943, criticised the British Government for hindering a Hindu-Muslim solution. He also

criticised Mr. Jinnah, saying that it would have been better, if he joined in calling a Conference of all available Indian leaders to consider what should be done to overcome the hurdle that the Government have set up in the road of a National Pact. He said, "a meeting between Mr. Jinnah and Mr. Gandhi would be productive of great and abiding results, which the Nation as a whole, as well as the Muslim League, would welcome".

"Divide and Quit"

Mr. Jinnah in his opening speech at the Karachi annual session of the All-India Muslim League on December 24—26, 1943, criticised the British Government for not responding to the Muslim League offer for cooperation and accepting responsibility, if sufficient authority was transferred.

While addressing the British, he coined as a counter demand to "Quit India", the slogan on behalf of Muslim India: "Divide and Quit".

C. Rajagopalachari's Formula for Pakistan (April 8, 1944) :—

In rejecting Cripps proposals, the All-India Congress Committee had passed a resolution which conceded the future possibility of Pakistan.

The Congress negotiations with Mr. Cripps had failed, because the Congress wanted immediate sovereign authority in India, under pretext of beginning a popular War-effort, while the British Government aimed at postponing the transfer of power, till after the termination of the war.

The Muslim League stand as explained by Mr. Jinnah, implied that sovereign power could not be transferred from Britain to the Indians, unless the Indians as a first step agreed among themselves, how they were going to distribute it among themselves.

After passing "the Quit India Resolution", all Congress leaders were put in jail including Mr. Gandhi. By the begining of 1944, Hindu opinion became anxious that Mr. Gandhi should be brought out of jail. Moral pressure was brought upon Quaid-e-Azam Mohammad Ali Jinnah, that he should demand from the British that Mr. Gandhi should be released, in order to negotiate the Indian constitutional settlement with the Muslim League.

On April 8, 1944 Mr. Rajagopalachari, whose efforts in 1942 in support of the creation of Pakistan, have already been mentioned, wrote the following letter to Quaid-e-Azam Mohammad Ali Jinnah :–

"Here is the basis for a settlement which I discussed with Mr. Gandhi in March 1943, and of which he expressed full approval.

"He then authorised me to signify his approval of these terms, should I be able to convince you of their being just and fair to all.

"As the Government have refused to relax any of the restrictions imposed on him to enable him to discuss or negotiate terms of any settlement, I write this to you on his behalf and hope that this will bring about a final settlement of the most unfortunate impasse we are in.

"You are aware of the intensity of my desire for a settlement.

"I was very glad when I found it possible to obtain Mr. Gandhi's approval of these terms. I hope that you will bestow your fullest thought to the justice and fairness of these proposals and help to terminate a condition of affairs which is steadily causing an alround deterioration in the country."

The following was the text of the historic Rajagopalachari Formula for the settlement of the Congress-Muslim League controversy about Pakistan :—

"*Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Mr. Gandhi and Mr. Jinnah agree, and which they will endeavour respectively to get the Congress and the League to approve :—*

"Subject to the terms set out below as regards the constitution for free India, the Muslim League endorses the Indian demand for Independence and will cooperate with the Congress in the formation of a provisional interim government for the transitional period.

"After the termination of the war, a Commission shall be appointed for demarcating contiguous Districts in the North-West and East

of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindusıan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of Districts on the border to choose to join either State.

"It will be open to all parties to advocate their points of view, before the plebiscite is held.

"In the event of separation, mutual agreements shall be entered into for safeguarding defence, commerce, communication and for other essential purposes.

"Any transfer of population shall only be on an absolutely voluntary basis.

"These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India."

Unionist Party-Muslim League split in the Punjab (27 April 1944) :—

Eversince the Sikandar-Jinnah Pact, on the occasion of the 1937 Lucknow session of the All-India Muslim League, under which all the Muslim M. L. A's. of the Punjab had signed the Muslim League Party pledge ; the party position and disciplinary jurisdiction had been nebulous, because the Unionist party was not merely a Parliamentary Group, but also a regular popular organisation, with its own Manifesto.

Inside the House, matters could be explained by saying that Muslim Leaguers had coalesced with the non-Muslims. But nobody could say what was the exact relationship between the Unionist political party outside the House and the Muslim League.

Late in 1943 and early in 1944, Sardar Shaukat Hayat, a Punjabi Unionist Minister, made pronouncements which asserted that the Muslim Ministers in the Punjab Cabinet were primarily loyal to the Muslim League. He was snubbed for this by Malik Khizar Hayat Khan Tiwana, the Chief Minister, and Choudhri Sir Chhutu Ram. Quaid-e-Azam

Mohammad Ali Jinnah attempted to clear the position in a personal meeting in April 1944, with Malik Khizar Hayat Khan who was the Provincial Parliamentary Leader of the Muslim League, and also headed the Unionist Party.

Sardar Shaukat Hayat was dismissed by Governor Glancy on a charge of misuse of powers. Malik Khizar Hayat Khan refused to divulge to the Muslim League Parliamentary Board, his Cabinet proceedings on the issue. The Muslim League Committee of Action expelled Malik Khizar Hayat Khan from the Muslim League. Later this decision was confirmed by the Muslim League Council. Three Muslim Ministers resigned from the Punjab Cabinet, which was left with a total support of 99 M. L. A's, while 26 Unionist Muslim M. L. A's formed themselves into a Muslim League Parliamentary Opposition Party.

Release of Mr. Gandhi, and Gandhi-Wavell Correspondence (February—July 1944)

We have already noted how Mr. Gandhi's letter of May 4, 1943 had failed to stimulate Quaid-e-Azam Mohammad Ali Jinnah's sympathy, or intervention for his release.

In February 1944 Mr. Gandhi made another attempt, but this time in a different direction. On February 17, 1944, he wrote a letter to Lord Wavell, Viceroy of India, from which the following extracts are reproduced :—

> "......The Congress and I are innocent of the charges brought against us........The Congress has grown to be an institution whose roots have gone deep down into the Indian soil.
>
> "I was, therefore, staggered to read that the Government were satisfied with things as they are going.
>
> "Had they not got from among the Indian people, the men and money, they wanted? Was not the Government machinery running smooth ?
>
> "This self-satisfaction bodes ill for Britain, India, and the World, if it does not quickly give place to a searching of hearts in British high places........

"*Quit India* only gives vivid expression to that demand, and has not the sinister and poisonous meaning attributed to it without warrant, by the Government of India. The expression is charged with the friendliest feeling for Britain in terms of the whole of humanity."

Lord Wavell in his reply dated February 25, 1944 referred Mr. Gandhi to his speech as Viceroy on February 17, 1944, before the Central Indian Legislative Assembly. In this speech, among other things Lord Wavell had observed :—

"I see no reason to release those responsible for the declaration of August 8, 1942, until I am convinced that the policy of non-cooperation and even of obstruction has been withdrawn—not in sackcloth and ashes, that helps no one—but in recognition of mistaken and unprofitable policy......"

Mr. Gandhi wrote to Lord Wavell on March 9, 1944 as follows :—

"......I note as I read your speech that you do not regard the sponsors of the formula of "Quit India" as outcastes to be shunned by society. You believe them to be high-minded persons. Then treat them as such, and trust their interpretation of their own formula, and you cannot do wrong......"

Lord Wavell in his reply dated March 28, 1944 remarked :—

"......I do not think it profitable that we should enter into lengthy agrument, and do not propose to answer in detail the points, you raise in your letter......

"I believe that the greatest contribution the Congress can make towards India's welfare is to abandon the policy of non-cooperation, and *join wholeheartedly with other Indian parties* and with the British, in helping India forward in economic and political progress......"

Mr. Gandhi in his letter dated April 9, 1944 to Lord Wavell explained :—

"......The sanction behind the demand in the Resolution (Quit India) was not violence, but self-suffering. Anyone, be a Congressman or other, who acted against this rule of conduct had no authority to use the Congress name for his action......"

"......The responsibility for what followed the hasty arrests of Congressmen, must rest solely on the Government. They invited the crisis, not the authors of the resolution (Quit India)......

"......As I visualise India today, it is one vast Prison, containing forty crore souls. You are its sole custodian. The Government prisons, are prisons within this prison.

"I agree with you that whilst you hold the views expressed in your letter, the proper place for one like me is a Government prison, and unless there is a change of heart, view, and policy on the part of the Government, I am quite content to remain your prisoner......"

Mrs. Kasturabai Gandhi who was voluntarily living with her husband in detention in the Agha Khan Palace, died there on February 22, 1944.

The British Government were severely criticised by the Indian National Press for permitting Mrs. Gandhi to die in detention.

Accordingly, when Mr. Gandhi's health also deteriorated, the Government released him unconditionally on May 6, 1944.

After a period of rest and convalescence following his release, Mr. Gandhi resumed his correspondence with Lord Wavell, now with the object of politically rehabilitating himself, and securing the release of prominent Congressmen, who were still in detention.

On June 17, 1944, Mr. Gandhi wrote a letter to Lord Wavell seeking his permission to "consult with the Congress Working Committee", to make a contribution to Indian problems.

He added, if Lord Wavell desired to see him personally, before granting such permission, he will gladly undertake the journey.

Lord Wavell in his reply dated June 22, 1944, informed that in view of the radical difference between his and Mr. Gandhi's viewpoints, a

meeting between them at that juncture could "have no value and only raise hopes, which would be disappointed......"

On July 9, 1944, Mr. C. Rajagopalachari published his Pakistan formula which as we have noted, he had already communicated to Mr. Jinnah with his letter dated April 8, 1944. He claimed that Mr. Gandhi had agreed to this formula, and Mr. Jinnah had also expressed his willingness to consider it.

On July 12, 1944, Mr. Gandhi in a press interview laid down the following seven points, as representing his attitude:—

(1) He was unable to do anything without first consulting the Congress Committee.

(2) If he met the Viceroy, he would tell him that he had sought an interview to help, and not to hinder the Allied War-effort.

(3) He had no intention of offering civil disobedience. He said, "history can never be repeated." He could not "take the country back to 1942".

(4) The world had moved on, in the last two years, and the whole situation had to be reviewed *de novo*.

(5) He would be satisfied with a National Government having full control of Civil Administration.

(6) He would advise Congress participation in such a government.

(7) After Independence had been assured, he would probably cease to function as Adviser to the Congress party.

Amplifying his position in subsequent press statements, Mr. Gandhi said that in the National Government contemplated by him, the Viceroy would hold a position analogous to the King of England, guided by responsible Ministers.

On July 15, 1944, Mr. Gandhi wrote a 75-page letter to Lord Wavell in which he assured him:—

"He reiterated that violence had never been contemplated, either by himself, or by the Congress leaders, and that where it had occurred, it had been against his and the Congress' wishes.

"He declared that the Government action in enforcing India-wide arrests was so violent that the populace which was in sympathy with the Congress had lost control......"

On 27 July 1944, Mr. Gandhi wrote to Lord Wavell:—

"......I am prepared to advise the Working Committee to declare that in view of the changed conditions, Mass Civil Disobedience envisaged by the resolution of August 1942, cannot be offered, and that full cooperation in the War-effort should be given by the Congress, if a declaration of immediate Indian Independence is made, and a National Government responsible to the Central Assembly be formed; subject to the proviso that during the war, military operations should continue as at present, but without involving financial burden on India.

"If there is a desire on the part of the British Government for a settlement, friendly talks should take the place of correspondence. But I am in your hands. I shall continue to knock at your door, so long as there is the least hope of an honourable settlement."

Lord Wavell in his reply dated August 15, 1944, pointed out that:—

"Until the War is over, responsibility for defence could not be divided from the other responsibilities of Government......

"........in the meantime the leaders of the various Communities might cooperate to form a transitional Government, within the present Constitution.

"For such a transitional Government to succeed, there must, before it is formed, be agreement in principle between Hindus, Muslims, and all important elements, as to the method by which the new constitution should be framed.

> "This agreement is a matter for Indians themselves. Until Indian leaders have come closer together than they are now, I doubt if I myself can do anything to help.
>
> "Let me remind you too that Minority Problems are not easy. They are real, and can be solved only by mutual compromise, and tolerance."

On July 28, 1944, the Secretary of State for India, Lord Amery, issued a statement saying that the negotiations with Mr. Cripps had also broken on the issue that Congress wanted immediate transfer of final responsibility. "India is at War and ...... no agreed future constitution is yet in sight". Therefore, such transfer is not immediately possible.

Mr. Gandhi in a statement dated July 30, 1944, said:—

> "......India must now be governed by Indians, chosen by her own people—not a coterie, but the whole mass of the people, without distinction of race, creed, or colour......
>
> "...... The Allies will have their victory, but the exploited races will not feel the glow of it. They will know that the seeds of another, and more deadly, War will be sown by that very victory.......
>
> "......The presence of a *third party* effectively prevents a solution. It was never meant to convey, that I would make no attempt at an honourable solution, even while the *third party* continued to dominate this Land."

The outcome of the authoritative pronouncements of the Secretary of State for India and the Viceroy, that there could be no transfer of final responsibility to Indians until the communal problem was solved, increased the pressure of public opinion on Mr. Gandhi and the Quaid-e-Azam, that the two should meet and come to a settlement.

A session of the All-India Muslim League Council at Lahore on July 30, 1944, authorised Mr. Jinnah to meet Mr. Gandhi for negotiations.

In a press statement on the occasion, Mr. Jinnah observed:—

"Let Mr. Gandhi join hands with the Muslim League, on the basis of Pakistan, in plain and unequivocal language, and we shall be nearer the Independence of the peoples of India.

"Mr. Gandhi and Mr. Rajagopalachari are putting the cart before the horse, when they say that all these clauses can have any value, or can become effective, only if Britain transfers power to India....

"......There is no chance of it, unless Hindus and Muslims come to a settlement, and thus by means of a United Front, wring out our freedom from the unwilling hands of the British rulers......

"Mr. Gandhi has at any rate in his personal capacity, accepted the principle of partition or division of India. What remains now is the question of how and when.......

"......Mr. Gandhi is offering a shadow and a hush, or maimed, mutilated, and moth-eaten Pakistan...."

Gandhi-Jinnah Correspondence (9—27 September 1944):—

Mr. Jinnah invited Mr. Gandhi to Quaid-e-Azam's House at Bombay. The Gandhi-Jinnah talks started on September 9, 1944; and continued till the 27th. The practice they observed was, that they exchanged letters to record the exchange of views. The sum total of the correspondence was that Mr. Gandhi insisted that Quaid-e-Azam should for the time being rest assured with the concessions involved in the Rajagopalachari formula, join hands with the Congress in the struggle against the British for the devolution of political power, and when the country becomes free, the Rajagopalachari formula may be implemented. On the other hand, the position taken by the Quaid-e-Azam was that once the third party is eliminated, where will be the guarantee that any agreement between the majority and minority communities shall be implemented. Therefore, a more practical solution was that Mr. Gandhi should firstly clothe himself with a representative capacity on behalf of the Congress, then he should recognise the Muslim League as the sole representative organisation of the Indian Mussalmans. Thirdly, the Congress should here and now, concede the Two-Nation theory and carry out the partition of India, before demanding Independence from the British.

The net result of the Gandhi-Jinnah correspondence was that Pakistan became a live issue, recognised both by the Congress as well as the Muslim League, the differences being confined to the method for the solution of this problem.

The "First Wavell Plan," Or the First Simla Conference (14 June—14 July 1945).

The failure of the Cripps Mission in 1942 had been mainly due to the insistence of the Congress on an immediate transfer of final responsibility by the British. The British refused this during the war, and till the major communities in India agreed on the constitutional structure of the successor authority. The failure of Gandhi-Jinnah talks towards the end of 1944 created a complete deadlock. The Congress now charged that it was the British third party, which was designedly making a solution of the communal problem impossible. Simultaneously the 1943-44 Bengal famine with its toll of death, brought down the reputation and prestige of the British administration in India. The war in Europe ended in the summer of 1945, but at the time the Allies were under the impression that operations against Japan would take quite long to conclude. That was why the participation of Russia in the crusade against Japan was purchased at an extravagant price. In mid-June 1945 the British war-time coalition between the Labour and the Conservative parties was broken up, and an all-parties care-taker Government was set up for holding the general elections between June-July 1945.

It was against this background that Lord Wavell had been meeting Indian leaders since the end of the year 1944. He granted an interview to the Hindu Mahasabha President, Mr. Savarkar, on November 27, 1944. He met Mr. Jinnah on December 6. It was also reported that Mr. Bhulabhai Desai, leader of the Congress Parliamentary Party in the Central Assembly, had put constitutional proposals before the Viceroy for the complete Indianisation of the Executive Council (leaving out the Viceroy and the Commander-in-Chief), with Hindu-Muslim "parity of representation" at 40% each, the remaining 20% going to the other minorities. The Congress was also to return to office in the Provinces.

It was announced from the British Prime Minister's office (Mr. Winston Churchill) on March 21, 1945, that the Indian Viceroy had been called for consultations. Lord Wavell reached London on March 23, 1945 and stayed there till June 1, 1945, returning to India on June 5, 1945.

On June 15, 1945, a White Paper was issued from London, announcing that the Government's offer of 1942 (Cripps Proposals) still stood in its entirety. At the same time the following proposals were made for the Indianisation of the Viceroy's Executive Council:—

(1) A reconstruction of the Executive Council, whereby the Viceroy in nominating members, would select them from leaders of Indian political life, both at the Centre, and in the Provinces, with balanced representation of the main communities, including *parity* for Muslims and Caste Hindus. For this purpose the constitutional requirement of 10 years' service under the Crown for at least 3 Members of Viceroy's Executive Council may be amended.

(2) The Viceory to call a conference of leading Indian politicians, including leaders of the most important parties, and those with recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority; to place before the conference, the above proposal; and to invite from it a list of names, from which he would make recommendations for appointment, retaining unrestricted freedom in so doing.

(3) Members of the Executive Council so chosen, to accept the position on the basis of wholehearted cooperation in supporting and carrying through the War against Japan to a victorious conclusion.

(4) The members of the Executive Council to be Indians, with the exception of the Viceroy and the C.-in-C, who would retain his present position as War Minister, essential so long as the Defence of India is a British responsibility.

(5) External affairs (other than Tribal and Frontier matters dealt with as part of the Defence of India) to be in the charge of an Indian member of the Executive Council, and fully accredited representatives to be appointed for the representation of India abroad.

(6) These proposals not to effect the relations of the Crown with the Indian States, through the Viceroy, as Crown Representative.

> ....None of the proposals will in any way prejudice the essential form of the future permanent constitution, or constitutions, for India. The Indian leaders, by their acceptance, and co-operation, will not only be able to make their immediate contribution in the direction of the Indian affairs, but will, it is hoped, thereby expedite agreement among themselves as to the method of working out the new constitutional arrangements.
>
> If such cooperation at the Centre is forthcoming, it will no doubt be reflected in the Provinces, and so enable responsible Government to be set up in these Provinces, now governed under Section 93 of the 1935 Act.

Lord Wavell in a broadcast on the same day (June 15, 1945), declared that, with the approval of His Majesty's Government, and after consultation with the Executive Council, orders had been given for the immediate release of the members of the Congress Working Committee still under detention, and the final decision regarding persons detained as a result of the 1942 Disturbances would be left to the new Central Government, if formed, and to the Provincial Governments.

The First Simla Conference commenced on September 24, 1945, at Simla. Leaders of all prominent Indian parties were invited. The Viceroy presented his first Wavell plan as follows:—

> "I have called you together at this critical moment in India's history to advise and help me in advancing India towards prosperity, political freedom, and greatness.
>
> "It is not the constitutional settlement. It is not the final solution of India's complex problems, that is proposed. Nor does the plan in any way pre-judge, or prejudice the final issue.
>
> "But if it succeeds, I am sure, that it will pave the way towards a settlement, and will bring it nearer.
>
> "We have got to rise above the level of old prejudices, and enemities, and of party and sectional advantage, and think of the good of India.

"You must accept my leadership for the present. Until there is some agreed change in the constitution, I am responsible to His Majesty's Government, for the government and tranquility of India.

"I ask you to believe in me as a sincere friend of India."

Lord Wavell explained that he had been authorised by the British Government to place proposals before Indian leaders for easing the political situation and for the political advancement of India. The basic plank of the Wavell Plan was that the future Constitution of India may for the time being be ignored. He would invite Indian leaders to confer with him for the formation of "a new Viceroy's Executive Council".

The new Executive Council would be "more representative of organised political opinion, and *would include 'equal proportions of Caste Hindus and Muslims*". Though it would work within the limits of the 1919 Act, it will be an entirely Indian Council, the only exceptions being the Viceroy and the Commander-in-Chief. The member for External Affairs shall also be an Indian. Members will be selected in consultation with political parties.

A British High Commissioner in India was also to be appointed to represent "Great Britain's commercial and other interests in India."

The Viceroy further promised that his constitutional powers of control will not be exercised unreasonably.

The main purpose of the Wavell Plan was to strengthen the war-effort, to plan post-war economic reconstruction of India, and to bring about agreement for an agreed permanent constitution.

The Simla Conference first failed to agree upon the strength and the composition of the Executive Council. When Lord Wavell called upon all parties to submit lists of names, the Congress submitted a list of 15 names.

But the Muslim League refused to submit a list, or accept any list, till: (1) The right of the Muslim League to nominate the entire Muslim membership of the Council was recognised (2) An assurance was given

that the Viceroy will over-rule all majority decisions opposed by the Muslim bloc.

The Punjab Unionist party, under Malik Khizar Hayat Khan, claimed one Muslim seat in the Executive Council. Mr. Gandhi had this time sent Maulana Abul Kalam, the President of the Congress, to represent it. The Congress under him also claimed two Muslim seats. The Muslim League refused to look at any list including either.

The first Simla Conference broke up in failure on July 14, 1945, when the Quaid-e-Azam issued the following press statement:—

> "On final examination and analysis of the Wavell plan, we found that it was a snare. There was a combination consisting of Gandhi, and the Hindu Congress, who stand for India's Hindu National independence, as "One India"; the latest exponent of geographical unity, Lord Wavell; and the Glancy-Khizar combination, who are bent upon creating disruption among Muslims in the Punjab.
>
> "We were sought to be pushed into this arrangement, which if we had agreed to as proposed by Lord Wavell, would have signed our death warrant.
>
> "Next in the proposed Executive, we would be reduced to a minority of one-third. All the other minorities such as the Scheduled Castes, Sikhs and Christians have the same goal as the Congress........
>
> "......On the top of this......even the 5 members of the Muslim block...... could not be nominated by the Muslim League...... There were two claimants —Congress which claimed two, and the Glancy-Khizar group which on behalf of the Punjab claimed one.... But finally, we broke as Lord Wavell insisted upon his having one non-Leaguer, a nominee of Malik Khizar Hayat Khan, representing the Punjab Muslims......"

The Second Wavell Plan (September 19, 1945)

Simultaneously with the failure of the first Wavell plan the results of the British general elections were out by the end of July 1945, and a Labour Cabinet under Mr. Clement Attlee took office.

Lord Wavell held a conference of the Governors of all the Indian Provinces at Delhi on August 1-2, 1945. On August 21, 1945, the Viceroy announced that after consultations with His Majesty's Government and the Provincial Governments, the general elections will be held as soon as possible for the Central Indian Legislative Assembly and the Provincial Assemblies. On the same day he announced that he had been invited by the new Labour Ministry to meet them at London.

Lord Wavell reached London by Air on August 26, 1945. He met the Cabinet and had prolonged consultations with Lord Pethick Lawrence the new Secretary of State for India. After staying in England till September 13, 1945, Lord Wavell returned to India on 16 September 1945.

On 19 September, the Viceroy broadcast what is known as the Second Wavell Plan. Here are some extracts:—

> "As stated in the Speech from Throne, at the opening of Parliament, His Majesty's Government are determined to do their utmost to promote, in conjunction with the leaders of Indian opinion, the early realisation of self-government in India.
>
> "During my recent visit, they have discussed with me steps to be taken.
>
> "An announcement has already been made that elections to the Central and Provincial Legislatures, so long (10 years) postponed owing to the war, are to be held during the (next) cold weather.
>
> "Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by the Provincial leaders in all Provinces.
>
> "It is the intention of His Majesty's Government to convene, as soon as possible a constitution-making body, and as a preliminary step, they have authorised me to undertake, immediately, after the elections, discussions with representatives of the Legsilative Assemblies in the Provinces, to ascertain whethert the proposals contained in the 1942 declaration—The Cripps plan—are acceptable, or whether some alternative, or modified scheme, is preferable....
>
> "......His Majesty's Government have......further authorised me. as soon as the results of the Provincial elections are published,

to take steps to bring into being an Executive Council, which will have the support of the main Indian parties......

"The task of making and implementing a new constitution for India, will require goodwill, cooperation, and patience on the part of all concerned."

The British Prime Minister, Mr. Attlee, broadcasting from London, the same evening, reinforced the Viceroy's appeal to the Indian people to "join together in a united effort to work out a constitution, which the majority and the minority communities will accept as just and fair," and in which both the Indian native States and the Provinces can take their place.

The Congress reaction to the announcement of the second Wavell plan (which ultimately proved the harbinger of the British Cabinet mission plan of May 16, 1946) on September 19, 1945, and the subsequent Government of India announcement of the dates of the general elections was that an All India Congress Committee meeting at Bombay on September 21—23, 1946 decided to participate in the general elections, adhering to "its national and inter-national objectives laid down in the resolution of August 8, 1942". It held that the Second Wavell plan was merely a reproduction of the Cripps proposals of 1942, which had already been rejected by the Congress. Therefore, it was inadequate. Pandit Jawahar Lal Nehru speaking at the session declared that the Congress would make no further approaches to the Muslim League. Every effort in the past to come to an agreement with its leaders had ended in some "humiliation" for the Congress. "It is in the best interests of the country to keep away from the Muslim League leaders hereafter." The Congress would in future seek "contact with the Muslim masses".

On October 12, 1945, the Congress issued a 12-point Election Manifesto as follows :—

(1) Equal rights and opportunities for every citizen of India.

(2) The unity of all communities and religious groups, and tolerance and goodwill between them.

(3) Full opportunities for the people as a whole to grow and develop according to their own wishes and genius.

(4) The freedom of each group and territorial area to develop its own life and culture within the larger framework.

(5) The regrouping of Provinces on a linguistic and cultural basis.

(6) The upholding of the rights of all those suffering from social tyranny and injustice, and the removal from them of all barriers to equality.

(7) A free democratic state with the Fundamental Rights and liberties of all citizens guaranteed in its constitution.

(8) A federal constitution with a wide measure of autonomy for its constituent elements.

(9) The removal of the curse of poverty, and the raising of the standard of life of the masses.

(10) The modernisation of Industry and Agriculture, and social control of all sources of wealth, methods of production, and distribution, so that India may grow into a coöperative Commonwealth.

(11) In international affairs, the establishment of a federation of free Nations.

(12) The championing of the cause of freedom of all subject nationalities and the eliminaton of Imperialism everywhere.

The first official Muslim League comment on the Attlee-Wavell proposals was made by Nawabzada Liaquat Ali Khan, the League's Secretary-General, on September 24, 1945 when addressing the students of the Moslem University of Aligarh, he declared that they "contained nothing new" and were the same old Cripps proposals which the Muslim League rejected in 1942," adding : "The only solution of the Indian constitutional problem lies in the acceptance of Pakistan. We cannot make any advance unless we decide the question of a divided or a united India. The Congress position is that there will be one central Federation for the whole of India, and all the powers are to be handed over by the British to a Central Government dominated by a vast Hindu majority.

They say that they are opposed to any Unit seceding, but will not use force to make them remain in the federation. There are two objections to this : (1) we are not asking for self-determination for Units, but for the Muslim nation; (2) we are not going to wait until a federated India comes into existence ; we want Pakistan and Hindustan to be freed simultaneously."

Mr. Jinnah, declared on November 1, 1945 that Pakistan was "the one issue in the elections", saying : "The Hindu and the Muslim are different in everything. We differ in religion, in civilisation and culture, in history, in language, in architecture, in music, in jurisprudence and laws, in food and society, in our dress, in our every way we are different. The Hindus want a unitary government because in that case they would have a perennial majority of 3 to 1; thus one society with its majority would rule the other society or nation, the Muslims, who would be in a minority always. Simply stated, we contend 'let us live our life; you live your life,' the Muslims in their own country of Pakistan, distinct and separate from the country of Hindustan".

The results of the general elections for the Central Legislative Assembly were announced on 1 January 1946. Out of a total of 102 elected members, the Muslim League won all the 30 Muslim seats, while 56 Congressmen were returned. The Muslim League, victory in the Provinces (except in the N.-W. F. P.) was as spectacular, when the results were published in January-February 1946.

The British Government Cabinet Mission Plan (23 March—16 May, 1946)

On February 19, 1946 Mr. Attlee in an announcement before the House of Commons recalled the Second Wavell Plan of Septemher 19, 1945, wherein it was visualised that after the Central and Provincial elections in India, preparatory discussions will be held with the elected representatives of British India and the Indian States for setting up a constitution-making body.

Accordingly, a British Cabinet mission consisting of Lord Pethick-Lawrence, Secretary of State for India; Sir Stafford Cripps, President of the Board of Trade ; and Mr. A. V. Alexander, First Lord of the Admiralty: was constituted to visit India at the end of March 1946. It was

declared that this mission would try to solve the problems of Indian Independence and future Constitution.

In the course of his speech in the British Parliament on March 15, 1946, Mr. Attlee observed:—

> "......Today we find that among the Hindu, Muslim, Sikh, and Mahratta politicians the conception of' nationality' has been growing stronger and stronger. Today that 'national idea' has spread right through, and not the least perhaps among some of those soldiers who have done such wonderful service in the War. Whatever the difficulties may be, there is this underlying demand among the Indian people......
>
> "......We believe that the British have done a great work in India. We have united India, and given her that sense of 'nationality', she had lacked over the previous centuries.
>
> "She has learnt from us the principles of democracy and justice. When Indians attack our own rule, they have their attack not on Indian principles, but on the basis of standards derived from Britain......
>
> "......We are very mindful of the rights of the Minorities, and the minorities should be able to live free from fear. *But we cannot allow a minority to place a veto on the advance of the majoritry....*
>
> "....I am well aware of the minority problems and I think Indian leaders are realising more and more the need for some settlement of it......"

The British Cabinet mission reached India (Karachi) on March 23, 1946. They arrived at Delhi on March 21. Lord Pethick-Lawrence at a Press Conference on March 25 conceded that the Musllm League was not regarded merely as a minority party, but as "the majority representative of the great Muslim community".

During the Cabinet Mission's negotiations a convention—the first of its kind—was held at New Delhi from April 7—9 of all the Muslim League representatives (over 400) in the Central and Provincial legislatures.

Mr. Jinnah, who presided, declared that the League would "fight and die for Pakistan", that "surrender to Congress demands will mean bloodshed", and that "we must achieve Pakistan or perish", while Sir Feroz Khan Noon said that if neither the British nor the Hindus conceded Pakistan, "Russia will give it to us". Resolutions were unanimously adopted which (1) declared that Hindustan had "maintained for thousands of years a rigid caste system resulting in the degradation of 60,000,000 human beings to the status of untouchables" and "threatens to reduce Muslims, Christians, and other minorities to the status of helots" ; (2) described Hinduism as "the direct negation of......all the noble ideals that Islam stands for" ; (3) emphasised that Hindus and Muslims remained two distinct nations with different historical backgrounds, cultures, and social and economic orders; (4) demanded an independent Pakistan; (5) called for two separate constitution-making bodies for Hindustan and Pakistan; (6) stated that acceptance of Pakistan was "the *sine qua non* for the Muslim League participation in the formation of an interim Government at the Centre;" and (7) warned that "any attempt to form a constitution on a united-India basis......will leave Muslims no alternative but to resist by all possible means, for their survival and national existence".

However, at the same Convention, on 11 April 1946, the Quaid-e-Azam also observed that :—

> What are we fighting for ? What are we aiming at ? It is not theocracy, not for a theocratic state. Religion is there and religion is dear to us. All the worldly goods are nothing to us when we talk of religion; but there are other things which are very vital; our social life, our economic life, and without political power, how can you defend your faith and your economic life ?

Till 11 April 1946 the Cabinet mission interviewed officials, leaders, etc. in an exploratory effort. Then they went into a recess, during which some mambers went for a holiday to Kashmir, while others met political leaders at Delhi.

On March 5, 1946 the Second Simla Conference opened at Simla. The Congress was represented by Maulana Azad, Mr. Vallabhai Patel, Pandit Jawahar Lal Nehru, and Khan Abdul Ghaffar Khan. The Muslim League was represented by the Quaid-e-Azam, the Shaheed-e-Millat, Nawab Ismail Khan, and Sardar Abdur Rab Nishtar. Mr. Gandhi though not a member of the Congress Delegation, remained present at Simla.

After meeting on May 5 and 6, 1946, the Second Simla Conference adjourned till May 8, 1946, "to give the parties an opportunity to think over and discuss the points raised".

When the Conference reopened, Pandit Jawahar Lal Nehru and Mr. Jinnah had a personal meeting on May 9, 1946. On May 10 the Nawab of Bhopal met both Mr. Gandhi and the Quaid-e-Azam. On May 12, 1946 the failure of the Second Simla Conference was announced by the Cabinet Mission in a communique.

On May 9 the Viceroy's previous Executive Council had resigned to facilitate the new arrangements.

On May 16, 1946 the Cabinet Mission's constitutional plan for India was published in the form of a White Paper. In view of its importance it is textually reproduced:—

STATEMENT BY THE CABINET DELEGATION, AND HIS EXCELLENCY THE VICEROY

(May 16, 1946)

1. Charged in with the historical speech of Mr. Attlee on March 15, 1946, we the Cabinet Ministers and the Viceroy, have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the Unity or Division of India.

2. After prolonged discussions in New Delhi, we succeeded in bringing the Congress and the Muslim League together in a Conference, at Simla. There was a full exchange of views, and both parties were prepared to make considerable concessions in order to try and reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an Interim Government may be set up at once to carry on the administration in British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will

lead to a practicable way of governing the India of the future, and will give a sound basis for Defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission ; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not however, deter us from examining closely and impartially the possibility of a partition of India ; since we were greatly impressed by the very genuine and acute anxiety of the Muslims, lest they should find themselves subjected to a perpetual Hindu-majority rule.

6. We therefore examined in the first instance the question of a separate and fully independent Sovereign State of Pakistan, as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the North-East consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures show :—

	Muslim	*non-Muslim*
North-Western Area—		
Punjab	16,217,242	12,201,577
North-West Frontier Province ..	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
Total ..	22,653,294	13,840,231
Proportion	62 07%	37.93%

North-Eastern Area—	..	..	..	33,005,434	22,302,091
Bengal	..	..	..	3,442,479	6,762,254
		Total	..	36,447,913	34,063,345
				51.69%	48.31%

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League, would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those Districts of the Punjab and of Bengal and Assam, in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan, could equally in our view be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We therefore considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (*a*) the whole of the Ambala and Jullundur Divisions in the Punjab ; (*b*) the whole of Assam except the district of Sylhet; and (*c*) a large part of Western Bengal, including Calcutta, in which city Muslims form 23.6% of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this will do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The

whole of the Transportation and the Postal and Telegraph systems of India have been established on the basis of a United India. To disintegrate them would gravely injure both parts of India. The case for a United Defence is even stronger. The Indian armed forces have been built up as a whole for the Defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army, and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India, and for a successful Defence in Depth, the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them, both in War and Peace, would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this, the Congress have put forward a scheme under which the Provinces would have full autonomy, subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme the Provinces, if they wished to take part in the economic and administrative planning on a large scale, could cede to the Centre, optional subjects, in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature, in which some Ministers,

who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting, when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the Optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation, we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown, nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building-up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail, as the Provinces of British India, in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for the whole of India.

We recommend that the constitution should take the following basic form :—

(*i*) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects:

Foreign Affairs, Defence, and Communications : and should have the powers necessary to raise the Finances required for the above subjects.

(*ii*) The Union should have an Executive and a Legislature constituted from British Indian and States' representatives. *Any question, raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting, of each of the two major communities, as well as a majority of all the members present and voting.*

(*iii*) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(*iv*) The States will retain all subjects and powers, other than those ceded to the Union.

(*v*) Provinces should be free to form Groups with Executives and Legislatures, and each Group could determine the Provincial subjects to be taken in common.

(*vi*) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery, whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution, because it became clear to us in the course of our negotiations that not until that had been done, was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable the new constitution to be worked out.

18. In forming any Assembly to decide a new constitutional structure, the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise ; but any attempt to introduce such a step now, would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six time as large, has an Assembly of only 250. Secondly, owing to the Weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the provincial population. After a most careful consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(*a*) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.

(*b*) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.

(*c*) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India ; General, Muslim, and Sikh, the "General community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation, since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements, set out in paragraph 20 below to give them a full representation upon all matters of special interest to the minorities.

19. (*i*) We therefore propose that there shall be elected by each Provincial Legislative Assembly, the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote :—

TABLE OF REPRESENTATION

Section A

Province	*General*	*Muslim*	*Total*
Madras	45	4	49
Bombay	19	2	21
United Provinces ..	47	8	55
Bihar	31	5	36
Central Provinces ..	16	1	17
Orissa	9	0	9
Total ..	167	20	187

Section B

			Sikh	
Punjab	8	16	4	28
North-West Frontier Province	0	3	0	3
Sind	1	3	0	4
Total ..	9	22	4	35

Section C

Bengal	27	33	60
Assam	7	3	10
Total ..	34	36	70

Total for British India ..	..	..	292
Maximum for Indian States	..	..	93
Total ..	..	..	385

Note—In order to represent the Chief Commissioner's Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwar in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.

To Section B, will be added a representative of British Baluchistan.

(*ii*) It is the intention that the States should be given in the final Constituent Assembly, appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(*iii*) The representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A preliminary meeting will be held at which the General Order of Business will be decided, a Chairman and other Officers elected, and an Advisory Committee (paragraph 20 below) on the Rights of citizens, Minorities, and Tribal and Excluded Areas set up. Thereafter the Provincial representatives will divide up into the three Sections shown under A, B, and C, in the table of representation in sub-paragraph (*i*) of this paragraphs.

(*v*) These Sections shall proceed to settle the Provincial constitution for the Provinces included in each Section, and shall also decide whether any Group constitution shall be set up for those Provinces and, if so, with what Provincial Subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (*viii*) below.

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(*vii*) In the Union Constituent Assembly, any resolution varying provisions of paragraph 15 above or raising *any major communal issue, shall require a majority of the representatives present and voting of each of the two major communities.*

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the Rights of citizens, Minorities, and Tribal and Excluded Areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of Minorities and a scheme for the administration of the Tribal and Excluded Areas, and to advise whether these rights should be incorporated in the Provincial Group, or Union constitution.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives, and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit, so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly, and the United Kingdom, to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the Administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once, of an interm Government, having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine

to be countered, there are decisions to be taken in many matters of post-War development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented. For all such purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an interim Government in which all the portfolios, including that of the War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed , in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India, who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian parties, and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your Independence in the shortest time and with the least danger of internal disturbances and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us, that at this supreme moment in Indian history, statesmanship demands mutual accommodation. .

We ask you to consider the altenative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that in our views there is small hope of peaceful settlement by agreement of the Indian parties alone. The alternative would therefore be a grave danger of violence, chaos, and even Civil War. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommo-

dation and goodwill in which they are offered. We appeal to all, who have the future good of India at heart, to extend their vision beyond their own Community or interest, to the interest of the whole four hundred millions of the Indian people.

We hope that the new Independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever increasing prosperity among the great nations of the world, and to a future even more glorious, than your past.

FROM THE BRITISH CABINET MISSION PLAN (1946) TO THE JUNE 3, 1947 DECLARATION

The correspondence between the British Cabinet Mission on the one hand and the Congress and the Muslim League on the other, during the Second Simla Conference was published on May, 18, 1946, from New Delhi.

It showed that Mr. Jinnah in a letter dated May 12, 1946, had demanded (1) a separate grouping for the 6 Muslim Provinces (Punjab, the N.-.W.F.P., Baluchistan, Sind, Bengal and Assam). This group was to deal with all subjects, except Foreign Affairs and Defence. (2) Separate constitution-making bodies for the Hindu and Muslim Groups of Provinces. (3) The method of electing representatives to the constitution-making body to be such, as will secure proper representation to the various communities, in proportion to their population in each Province of the Pakistan Group. (4) Parity of representation in the Union Legislature between the Hindu and Muslim Groups. (5) No major communal issue in the Union Constitution to be passed, except with the consent of the majority of the communal group concerned.

The Congress communication of the same date opposed all these points.

The Council of the All-India Muslim League in a session at Delhi on June 5-6, 1946, after protesting against the British Cabinet Mission plan's criticism of Pakistan, reiterating "a sovereign Pakistan" as the unalterable goal, and declaring the intention if necessary to "employ

every means in their power, and consider no sacrifice too great", resolved that :—

" Notwithstanding the affront offered to Muslim sentiments by the choice of injudicious words in the preamble of the statement of the Cabinet Mission, the League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution of the Indian Constitutional problem, and inasmuch as the basis and foundations of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the 6 Muslim Provinces in Section 'B' and 'C', is willing to cooperate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of a sovereign Pakistan and in the goal of independence for the major-nations, Muslim and Hindu, and all the other people inhabiting the vast sub-Continent.

" For these reasons the Muslim League accepts the scheme, will join the constitution-making body, and will keep in view the opportunity and right of secession of a Province or Groups from the Union, which have been provided in the Mission's plan by implication.

" The ultimate attitude of the League will depend on the final outcome of the labours of the constitution-making body, and on the final shape of the constitutions which may emerge from the deliberations of that body jointly, and separately in its 3 sections.

" The League reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of the deliberations of the constitution-making body, or the Constituent Assembly, or thereafter if the course of events so require, bearing in mind the fundamental principles and ideals to which the League is irrevocably committed.

"With regard to the arrangement for the proposed Interim Government at the Centre, the Council authorises its President to negotiate with the Viceroy, and to take such decisions as he deems fit and proper."

The Congress Working Committee in a session at Delhi from June, 9—14, 1946, rejected the principle of equal representation of the Congress and the Muslim League, in the proposed interim Indian Government.

On June 16, 1946, the Viceroy and the Cabinet Mission in a joint statement emphasised the necessity of the establishment of a Representative Indian Government, with as little delay as possible. The following is the text of the statement :—

> "1. The Viceroy, in consultation with the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the 2 major parties and certain of the minorities.
>
> "The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.
>
> "2. The Viceroy and Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them.
>
> "They consider, however, that no useful purpose can be served by further prolonging these discussions. It is urgently necessary that a strong and representative interim Government should be set up to conduct the very heavy and important business that has to be carried through.
>
> "3. The Viceroy is therefore issuing invitations to serve as members of the Interim Government on the basis that constitution making will proceed in accordance with the statement of May 16.
>
> "4. The Viceroy will arrange the distribution of portfolios in consultation with the Party Leaders.
>
> "5. The composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question.
>
> "It is an expedient put forward to solve the present difficulty only and to obtain the best available Coalition Government.

"6. The Viceroy and the Cabinet Mission believe that the Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

"7. They, therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles and co-operate for the successful carrying on of the Interim Government.

"Should this proposal be accepted the Viceroy will inaugurate the new Government about June 26.

"8. In the event of the two major parties, or either of them, proving unwilling to join in a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government, which will be as representative as possible of those willing to accept the statement of May 16.

"9. The Viceroy is directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the statement of May 16.

"The text of the statement was sent at the same time by Lord Wavell to Mr. Azad and Mr. Jinnah, the Congress and Muslim League leaders, with the earnest request that both parties would take their place in the Government as suggested and would consider the proposal in a spirit of accommodation."

Together with the statement, the Viceroy issued invitation to the following 14 prominent Indians to join his Cabinet in the ratio of five Muslim Leaguers ; five Congressmen ; and one Sikh ; one Indian Christian ; one Parsi ; and one Scheduled Caste representative :—

(1) Quaid-e-Azam Mohammad Ali Jinnah
(2) Nawabzadah Liaquat Ali Khan
(3) Nawab Mohammad Ismail Khan } Muslim League.
(4) Khawaja Sir Nazimuddin.
(5) Sardar Abdur Rab Khan Nishtar

(6) Pandit Jawahar Lal Nehru (7) Mr. C. R. Rajagopalachari (8) Dr. Rajindra Prasad (9) Sardar Vallabhai Patel (10) Mr. Hare Krishna Mahtab	Congress.

(11) Sardar Baldev Singh.
(12) Dr. John Mathai.
(13) Sir Naushirwan.
(14) Mr. Jag Jivan Ram.

The Muslim League Working Committee after prolonged discussions on June 25, 1946, informed the Viceroy that they were willing to participate in the Interim Indian Government. However, Mr. Jinnah protested that the original formula of 5-5-2 had been altered to 5-5-4 to the disadvantage of the Muslim League, particularly because the Scheduled Caste representative ; Mr. Jag Jivan Ram, was a Congressman.

On the same day, i.e., June 25, 1946, the Congress Working Committee rejected participation in the Interim Indian Government, and passed the following resolution :—

"The Committee has been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16. It has examined both sets of proposals from the points of view of the Congress objective of immediate Independence and the opening out of avenues leading to the rapid advance of the masses economically, and socially............

"The proposals fall short of these objectives. Yet the Committee has considered them earnestly in all their aspects, because of their desire to find some way for a peaceful settlement of India's problem, and the ending of the conflict between India and England.

"The kind of Independence which Congress aims at is the establishment of a united democratic Indian Federation, with a Central authority which would command respect from the nations of the world, maximum Provincial autonomy, and equal rights for all men and women in the country.

"The limitation of the Central authority as contained in the proposals, as well as the system of Grouping the Provinces, will weaken the whole structure, and is unfair to some Provinces, such as the N.-W. Frontier Province and Assam, and to some of the minorities, notably the Sikhs.

"The Committee disapprove of this. They feel, however, taking the proposals as a whole, that there is sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of the Provinces to act according to their choice in regard to Grouping, and giving protection to such Minorities as might otherwise be placed at a disadvantage.

"Certain other objections have also been raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach both of the letter and the spirit of the statement of May 16, if any non-Indian participated in the elections to the Constituent Assembly.

"In the proposals for an Interim Government contained in the statement of June 16, the defects relate to matters of vital concern to the Congress. Some of these have been pointed out in a letter of June 25, 1946 from the Congress President to the Viceroy.

"The Provisional Government must have power, authority, and responsibility and should function, in fact, if not in law, as a *de facto* independent Government leading to full Independence. Members of such a Government can only hold themselves responsible to the people and not to any external authority.

"In the formation of a Provisional or other Government, Congressmen can never give up the national character of the Congress, or accept an artificial and unjust parity, or agree to a veto of the communal group.

"The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the statement of June, 16.

"The Committee have, however, decided that the Congress should join the proposed Constituent Assembly, with a view to framing the constitution of a free, united, and democratic India.

"While the Committee have agreed to Congress participation in the Constituent Assembly, it is, in their opinion, essential that a representative and responsible provisional National Government be formed at the earliest possible date. The continuation of an authoritarian and unrepresentative Government can only add to the suffering of the masses and to increased discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

"The Working Committee, for the purpose of considering and ratifying this recommendation, will convene an emergency meeting of the All-India Congress Committee in Bombay on July 6-7, 1946."

On June 26, 1946, the Viceroy and the Cabinet Mission, in view of the Congress refusal to join the Interim Government, went back on Clause 8 of their statement of June 16, 1946, as quoted above. They refused to form a Muslim League Government, without the participation of the Congress. However, they expressed satisfaction that the two major Indian parties had agreed to participate in the proceedings for making a future permanent Constitution, as laid down in the Cabinet Mission Plan of May 16, 1946. "Owing to the very heavy burden which had been cast upon the Viceroy and the parties during the past three months, further negotiations were postponed till completion of elections to the Constituent Assembly. Instead of the Interim Government, the Viceroy announced a "caretaker" Executive Council of officials.

On 29 June, 1946 the Cabinet Mission returned to England.

The All-India Congress Committee Session at Bombay held from July 6-7, 1946 ratified the Congress Working Committees decision to accept the Cabinet Mission's long term constitutional proposals, while rejecting the Interim Indian Government Plan. The voting was 204 against 51.

On July 10, 1946, Pandit Jawahar Lal Nehru held a Press Conference at Bombay wherein he observed that:—

"The Congress had entered into 'no commitments in regard either to the long-term, or to the short term plan of the British Cabinet Mission, except to go into the Constituent Assembly.'

"It is true that in going into the Assembly, we have inevitably agreed to a certain process—that is, the election of candidates to the Assembly. What we do there, we are entirely and absolutely free to determine. We have not committed ourselves on a single matter to anybody.

"The big probability is that, from any approach to the question, there will be no Grouping. Obviously Section A will decide against Grouping.

"Speaking in betting language, there is a 4 to 1 chance of the North-West Frontier Province deciding against Grouping. The Group B collapses.

It is highly likely that Assam will decide against grouping with Bengal, although I would not like to say, what the initial decision may be, since it is evenly balanced. But I can say, with every assurance and conviction, there is going to be, finally, no Grouping there, because Assam will not tolerate it under any circumstances whatever."

Declaring that Provincial jealousies would work against Grouping, he maintained:

(*a*) that everybody outside the Muslim League was opposed to the Grouping of Provinces, the League thus being 'isolated on this question',

(*b*) that the people of Sind and the Frontier Province, even the Muslims, disliked the idea of Grouping, for fear of the domination of the Punjab, which was 'the dominant party in the Group, and more aggressive and advanced'."

Mr. Jinnah on July 13, 1946, issued the following statement to the Press:—

"This is a complete repudiation of the basic form on which the long-term scheme rests.

"It is for His Majesty's Government to make clear beyond doutb, and to remove the impression that the Congress has accepted the long-term scheme.

After accusing the Cabinet Mission and the Viceroy, of suffering, throughout the negotiations, from a "fear complex" and referring to "constant threats of the Congress resorting to Civil Disobedience," Mr. Jinnah declared that the Cabinet Delegation had shown "undue anxiety to secure the success of their Mission at any cost, and at the sacrifice of every body else."

He reiterated that the Congress had completely repudiated the fundamentals of the British long-term proposals, on which the future of India rested, and said that "we shall have to consider the situation when the Working Committee of the League meets on July 27, 28 and 29, and adopt such action as we may think proper in the circumstances that have arisen."

The Muslim League Working Committee met at Bomaby from July 27—29, 1946. Mr. Jinnah spoke for 2½ hours. The following are some extracts from his speech:—

"All the efforts of the Muslim League at fair play, justice, and even supplication and prayers have had no response of any kind from the Congress.

"The Cabinet Mission has played into the hands of the Congress... The Congress has done the greatest harm to the people of India, wherein Caste Hindus are in the overwhelming majority, by its pettifogging, niggardly attitude during the recent constitutional negotiations.

"It is full of spite against the Muslims......Congress thinks it is going to walk into the Interim Government, and by-pass the Muslim League. It is welcome to go there; we are not frightened by that, and will know how to deal with it.

"The Congress had never really accepted the long-term plan. They had accepted the long-term proposals only with their own reservations and interpretations.

"Throughout the negotiations, the Cabinet Mission and the Viceroy who had been under terror like a drowning man, ready to catch hold of a straw, treated this conditional acceptance by Congress as

a genuine acceptance.... but Pandit Nehru, at his Press Conference at Bombay, made it quite clear that the Congress was committed to nothing..... He stated that Congress was not bound by para 19 of the State paper, which regulates Grouping.

"The essential part of the scheme from the Muslim point of view is Grouping B and C. It is that part of the scheme which has been unequivocally repudiated by the Congress, which asserts that the Provinces in groups B and C are free to opt out from the very beginning and not, as provided, until the Group Constitution and Provincial Constitutions come into operation.

"It is no use looking to any other source for help or assistance. There is no tribunal to which we can go. The only tribunal is the Muslim Nation.

"It is no consolation to me that Lord Pethick-Lawrence and Sir Stafford Cripps have acknowledged that we made very substantial and vital concessions, whereas Congress had not budged an inch.

"I wish I could honestly pay tribute to their courage and statesmenship, which they so sadly lacked in handling these negotiations.

"Nor I have seen any sign of the slightest gesture of goodwill or conciliation, or any indication of cooperation, on the part of the Congress........

"I can say without fear of contradiction, that the Muslim League acted throughout the negotiations as an honourable Organisation. We negotiated on high principles. We made concession after concession, not because we were over-awed, but because of our extreme anxiety for an amicable and peaceful settlement, which will lead not only the Muslims and the Hindus, but also the other communities inhabiting this sub-Continent, to the achievement of freedom.

"But the Congress stood there like a mule. It has no other consideration, except how to down the Muslim League, the only party that has emerged from these negotiations with honour and clean hands......

"The Congress has resorted to methods that the ordinary individuals would be ashamed of ...... All this proves clearly, beyond the shadow of a doubt, that the only solution to India's problem is Pakistan."

On July 29, 1946, the Muslim League Working Committee unanimously passed the following two Resolutions:—

1. The first resolution, after a lengthy recapitulation of the negotiations with the Cabinet Mission, declared: The Cabinet Mission, and the Viceroy, collectively and individually, have stated several times that basic principles were laid down to enable the major parties to join the Constituent Assembly, and that the scheme cannot succeed unless it is worked in a spirit of cooperation.

"The attitude of Congress clearly shows that these conditions as a precedent for the successful working of constitution-making do not exist.

"This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim Nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress...... leaves no doubt that in these circumstances the participation of the Muslims in the proposed constitution-making machinery is fraught with danger.

"The Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals, which was communicated to the Secretary of State for India by the President of the Muslim League on June 6, 1946.

2. The second resolution, after condemning the Congress for intransigeance on the one hand and the British Government of a breach of faith with Muslim India on the other, and after declaring that "Congress is bent on setting up a Caste Hindu Raj in India with the connivances of the British," declared:

"The Muslim League is convinced that the time has come for the Muslim Nation to resort to Direct Action to achieve Pakistan, and get rid of the present slavery under the British, and the contem-

plated future Caste Hindu domination, and calls on the Muslim nation to be ready for every sacrifice.

"The Working Committee is directed to prepare forthwith a programme of Direct Action to carry out the policy initiated above, and organise Muslims for the coming struggle to be launched as and when necessary.

"As a protest against, and in token of, their deep resentment of the attitude of the British, it calls upon Muslims to renounce forthwith any titles conferred upon them by an alien Government.

After the passage of the two Resolutions, Quaid-e-Azam Mohammad Ali Jinnah made a speech, from which some extracts are reproduced below:—

"What we have done to-day is the most historic act in our history. Never have we, in the whole history of the League, done anything except by constitutional methods. But now we are forced into this position. This day we bid good-bye to constitutional methods.

"Throughout the fateful negotiations with the Cabinet Delegation and the Viceroy, the other two parties: the British and the Congress, held the pistol in their hands, one of authority and arms, the other of mass struggle and non-cooperation. Today we have also found the pistol, and are in a position to use it.

"The decision to reject, their proposals and launch Direct Action has not been taken in haste, but with a full sense of responsibility. We mean every word of it.

"Congress accepted the proposals conditionally, and the Cabinet Mission and the Viceroy committed a flagrant breach of faith.

"The only party which came out honourably from the negotiations was the Muslim League. When the League accepted the proposals they did so deliberately and with full responsibility, and they accepted the statements of May 16 and June 25, 1946 and the original formula for an Interim Government.

"The League, throughout the negotiations, was moved by a sense of fairplay, and sacrificed the full sovereignty of Pakistan at the altar of the Congress for securing Independence for the whole of India. They voluntarily delegated three subjects to the Union, and by doing so did not commit a mistake. It was the highest order of statesmanship that the League displayed by making these concessions.

"In our anxiety to try to come to a peaceful settlement with the other major party, we made this sacrifice of giving three subjects to the Centre, and accepted a limited Pakistan.

"But this has been treated with defiance and contempt. Are we alone to be guided by reason, justice, honesty and fairplay; when on the other hand there are perfidious dealings by the Congress? There was not the slightest gesture of compromise from them.

"Muslim India is stirred as never before, and has never felt so bitterly as today, because these two parties, the Congress and the British, showed a lack of statesmanship.

"But now we realise that this has been for Muslim India the greatest blessing in disguise. We have learnt a bitter lesson, the bitterest so far. Now there is no room left for compromise. Let us march on.

Pandit Jawahar Lal Nehru, speaking at Allahabad on August, 1, 1946 said that:—

"I am sorry for the Muslim League's decision, but not worried about it, as such a decision can only delay the Independence of the country, but not stop it.

On August, 12, 1946 it was officially announced from New Delhi that the Viceroy, with the approval of His Majesty's Government, had invited Pandit Jawahar Lal Nehru, President of the Indian National Congress to discuss the immediate formation of an Interim Government, and the invitation had been accepted. On August 13, 1946, Pandit Jawahar Lal Nehru announced:—

"It is our desire to have a representative, provisional, National Government, as soon as possible, so that we may unitedly face the great problems that confront the country, and lead India to full Independence.

On August 15, 1946, Pandit Jawahar Lal Nehru went to see Mr. Jinnah at his residence in Bomaby. He invited Mr. Jinnah to join his Cabinet on the basis of a Coalition Ministry. Mr. Jinnah published his reply to Pandit Jawahar Lal Nehru, from which it was evident that while the Muslim League was willing to discuss with the Congress the solution of the Hindu-Muslim deadlock, it could not see its way to enter a Coalition with the Congress.

Maulana Abul Kalam Azad, a Member of the Congress High Command, announced on August 18, 1946, at Delhi, that the Congress was prepared to form an Interim Government in the ratio of six Members nominated by the Congress, five Muslim Leaguers, and three representatives of the minorities.

On August 25, 1946, Lord Wavell, the Viceroy, accepted the resignation of the "Officials' Caretaker Cabinet". It was further announced that the Congress party would take office on September 2, 1946, in the ratio of 6-5-3.

On September 1, 1946, the following 12-man Congress Cabinet was sworn in:—

(1) Pandit Jawahar Lal Nehru .. (Vice-President of the Cabinet, External Affairs and Foreign Relations).
(2) Sardar Vallabhbhai Patel .. (Home Affairs, Information and Broadcasting).
(3) Sardar Baldev Singh (Defence).
(4) Dr. John Mathai .. (Finance).
(5) Mr. Asaf Ali .. (Communications).
(6) Dr. Rajindra Prasad .. (Agriculuture and Food).
(7) Dr. Jag jiven Ram .. (Labour).
(8) Sir Shafaat Ahmad Khan .. (Health, Education and Arts).
(9) Mr. Syed Ali Zaheer .. (Law, Posts and Air).
(10) Mr. C. Rajagopalachari .. (Industries and Supplies).

(11) Mr. Sarat Chandra Bose .. (Agriculture and Food).
(12) Mr. C. H. Bhabha .. (Commerce).

Pandit Jawahar Lal Nehru in a statement on the same day expressed deep regret that the Muslim League had refused to enter the Interim Government, saying that he would continue to hope for their cooperation.

The Viceroy in a broadcast on August 24, 1946, after the announcement of the proposed Interim Government had said:—

"Though five seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing Constitution, it has not been possible to secure a Coalition......

"It is a Coalition Government in which both the main parties are represented, that is indeed at this moment in the interests of all parties and communities in India. That is the view which Mr. Nehru and his colleagues hold as strongly, as I do. His efforts like mine will still be directed to persuading the League to join the Government.

"Let me state clearly the offer which has been made, and is still open to the Muslim League. They can propose five names for places in a Government of 14, of which six will be the nominees of Congress, and three will be the representatives of minorities. Provided these names are acceptable to me, and approved by His Majesty, they will be included in the Government, which will at once be reformed.

"The League need have no fear of being out-voted on any essential, ...I shall see that the most important portfolios are equitably shared.

"I sincerely trust that the League will reconsider their policy and decide to participate in the Government......

"......Assurances have been given to the Muslim League that the procedure laid down in the statement of May 16, 1946 regarding the framing of Provincial and Group Constitutions will be faithfully adhered to. That there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in para 15 of the Cabinet Mission's Statement of May 16, 1946, or of a decision on main communal issues, without the majority of both the Major Communities; and that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court.

"I hope the Muslim League will take part in a plan which promises to give them so wide a field in which to protect their interests, and decide the future of the Muslims of India.

Mr. Jinnah replied to the Viceroy's appeal on August 25, 1946, as follows:—

"It is to be regretted that the Viceroy should have made such a misleading statement, contrary to facts......"

After complaining that the Viceroy, Pandit Nahru, and the Congress leaders had for the past week carried on their negotiations behind his back, and without anyknowledge being furnished to him, except the statement announcing the formation of the Interim Government and the Viceroy's broadcast, Mr. Jinnah released the text of letters exchanged between himself and the Viceroy between July 22 to August 8, 1946.

The correspondence opened with a personal letter from the Viceroy to Mr. Jinnah dated July 22, 1946, in which Lord Wavell proposed, for Mr. Jinnah's consideration, an Interim Government of 14 members, in the ratio of 6-5-3.

In his reply dated July 31, Mr. Jinnah said that this was the fourth basis that the Viceroy had suggested for the formation of an Interim Government. "From 5-5-2 you came to 5-5-3, and then to 5-5-4. Now you are making this fourth proposal of 6-5-3."

Mr. Jinnah declared that every time the previous proposals were turned down to appease the Congress. This was prejudicial to the League.

Mr. Jinnah concluded "I can only say that there is no chance of my Working Committee accepting these proposals."

Muslim League Direct Action Day (16 August 1946), Communal Riots (July 1946 to November 1947), and Civil Disobedience Movements (January to June 1947)

We have noted above the "Direct Action Resolution" passed by the Muslim League Working Committee on July 29, 1946. On July 30, 1946, the Muslim League Working Committee called upon Muslims throughout India in terms of this Resolution to observe August 16, 1946, as "the Direct Action Day".

From July 1946 onwards continuous communal riots had broken out in Bombay. On August 16, 1946 (Direct Action Day) unprecedented communal riots started in Calcutta. By August 26, 1946, according to conservative Government estimates which did not take into account the corpses thrown in into the river, canals, sewers, alleys, and wrecked and abandoned buildings, 4,000 dead, and 10,000 wounded, had been counted.

In October 1946 communal riots broke out on a vast scale, in the Province of Bihar, where Hindus wanted to take revenge for Calcutta. This reacted in the form of further communal riots in Noakhali and in other Muslim majority Districts of Bengal.

In March 1947 communal riots started in the Punjab and the N.-W. F. Province. Every where there was an orgy of arson, murder, torture, abduction, loot and destruction.

In the three Muslim Provinces where non-Muslim Leaguers were in power (Punjab, N. W. F. P., and Assam), the Muslim League started Civil Disobedience Movements.

In the Punjab the Civil Disobedience started on January 24, 1947 and continued till the end of February 1947, when the Unionist Ministry removed the restrictions on the Muslim League National Guards together with non-Muslims militant organisations, which had been made the nominal cause of offering Civil Disobedience in the name of Civil Liberties. Shortly afterwards, the Unionist Ministry resigned in March 1947, which was the beginning of communal riots in the Punjab.

On February 10, 1947 a Civil Disobedience was started in the N.-W. F. P. because of restrictions on the demonstrations against the Congress Ministry. This Civil Disobedience continued till 21 June 1947.

In the Province of Assam, the Muslim League started a Civil Disobedience against restrictions on the migration of Bengalees into the Province, on 7th June 1947, which continued till 21 June 1947.

Muslim League Entry into the Interim Government (October 26, 1946)

The absence of the Muslim League from the Interim Cabinet was deteriorating the communal situation in India. Several well-wishers, most prominent among them being the Nawab of Bhopal, made efforts to bring about a rapprochement between the Congress and the Muslim League.

On September 16, 1946 the Viceroy invited Mr. Jinnah for an interview. After prolonged negotiations between the Viceroy and the Muslim League, and a fruitless Jinnah-Nehru correspondence (October 6—13, 1946), the Muslim League Working Committee passed the following resolution on October 13, 1946 :—

> "The Working Committee of the Muslim League have considered the matter fully, and they do not approve of the basis and the scheme of setting up the Interim Government, which has been decided by the Viceroy presumably with the authority of His Majerty's Government.
>
> "Therefore, the Committee do not and cannot agree with the decisions already taken, nor with the arrangements already made.
>
> "We consider and maintain that the imposition of this decision is contrary to the Declaration of August 8, 1940, but since according to the Viceroy's decision, the League has a right to nominate five members of the Executive Council, the Muslim League Working Committee have, for various reasons, come to the conclusion that in the interests of Muslims, and other communities, it will be fatal to leave the entire field of Central Government Administration in the hands of the Congress.

"Besides, the Voceroy may be forced to have in his Interim Government Muslims, who would not command the respect and the confidence of Muslim India, which would lead to very serious consequences.

"For other weighty grounds and reasons, which are obvious and need not be mentioned, we have decided to nominate 5 members on behalf of the Muslim League in terms of the Viceroy's broadcast dated August 24, 1946, and his two letters dated October 4 and 12, 1946, embodying clarifications and assurances."

On October 26, 1946, the following Muslim Leaguers were added to the Interim Government :—

1. Mr. Liaquat Ali Khan .. .. (Finance).
2. Mr. I. I. Chundrigar .. .. (Commerce).
3. Sardar Abdur Rab Nishtar .. .. (Communications).
4. Mr. Ghazanfar Ali Khan .. .. (Health).
5. Mr. Jogindra Nath Mandal .. .. (Law).

With the entry of the Muslim League into the Interim Government, the atmosphere inside the Cabinet, wholly changed against the liking of the Congress. The Muslim Leaguers took up the stand that, they were a separate bloc, inside the Cabinet. This led to prolonged Cabinet sessions, presided over by the Viceroy, with the Congress Members engaged in discussions with the Muslim League members.

The Constituent Assembly was scheduled to meet on December 9, 1946. On November 14, 1946 Mr. Jinnah, in a statement emphasised that the League's boycott of the Constituent Assembly would continue, in conformity with its Working Committee's Resolution of July 29, 1946.

Pandit Jawahar Lal Nehru addressing the Subjects' Committee of the All-India Congress Committee at Meerut, on November 21, 1946, observed that :—

"......As soon as the League came into the Interim Government, they changed the procedure. The Cabinet system began to break down. The Leaguers said they were a separate bloc. If there are blocs in the Government, how can it work ?......

"I had written to Mr. Jinnah that we should agree among ourselves and should not approach the Viceroy.

"Instead of that, every effort was made by the Leaguers to take help from the British Government, and oppose the national struggle. The aim of the British was to make the Muslim League into the 'King's Party.' The British Government's policy is that the Muslim League should be exploited for their selfish ends.

"During the past few weeks, things have gone to such an extent that we were on the point of resigning from the Government.

"I do not know what will happen in the future, but if the present state of affairs continues, a struggle is imminent, whether we are in the Government or outside it.

"There is a conflict of Ideologies. Our patience is strained to breaking point, and if these things continue they will lead to a big struggle.

"It was clear from Mr. Jinnah's statement, that the League entered the Government not to work it, but because they feared they would be weakened if they kept out.

"It was also clear from Mr. Jinnah's letters to the Viceroy, that the League did not accept the statement of May 16, 1946. If so, how could they continue in the Interim Government? It is absurd to go on breaking promises so often, and expect that the Government will go on......

"Mr. Jinnah has tried to get the Constituent Assembly postponed *sine die*. If it is so postponed now, it may be said to be postponed for ever. I am not enamoured of this Constituent Assembly, but we have accepted it, and should make the best use of it for our benefit."

Mr. Jinnah in a Press Conference on November 25, 1946 suggested that the Central and the Provincial Governments should consider an exchange of populations, as the best means of settling the prevailing communal strife. At the same time he replied as follows to Pandit

Jawahar Lal Nehru's remarks of November 21, 1946 :—

"He is playing to the gallery when he calls us the 'King's party', and accuses us of helping the imperialistic British Government. It is utterly untrue. A man of the meanest intelligence can understand that he himself took the oath of allegiance to the King-Emperor, and was sworn in as a member of the Executive Council of the Governor-General........

"It has repeatedly been made clear, especially in the Viceroy's broadcast of September 1, 1946, that this Interim Government had been formed under the present Constitution, the Act of 1919, which is in operation......

"It is a sheer fight of imagination to call it a Cabinet, a National Government, or even a Coalition......

"By giving it a name, you do not make it a Cabinet in the constitutional or legal sense, nor can you vest it with the powers of a real Cabinet by indulging in fiction, myth, and imagination......

"It is obvious that the members of the Executive Council have been selected community-wise. It can therefore only function in terms of the Government of India Act of 1919, so far as day-to-day administration is concerned.

"Such limited powers and opportunities as there are in the day-to-day administration, can be utilised for the good of the peoples generally. We have gone there only for that purpose, but here comes the wishful thinking of Pandit Nehru, who wants to shut his eyes in an ostrich-like manner, and think that the Act of 1919 does not exist. In the fight of his imagination, he thinks this is a truly national Government, responsible to the people and the electorate......

"If he can only come down to earth and think calmly, he must understand that he is neither the Prime Minister, nor is it a Nehru Government—he is only Member for External Affairs and Commonwealth Relations.

"So long as Pandit Nehru and the Congress think that by the instrumentality of such powers as are vested in the Interim Government, by means of his majority, or by manoeuvres, they can torpedo Pakistan, or do things militating against a settlement of the future Constitution, the Muslim League must resist every such step that is taken.

"Pandit Nehru and the Congress expect the Muslim League nominees to act according to their orders. That is an impossible position for us to accept. We cannot take orders either from Pandit Nehru or from the Congress, and we cannot be expected to occupy a subservient or subordinate position to the Congress".

It was officially announced in London and Delhi on November 26, 1946, that in an effort to evert the threatened breakdown of the Congress-League coalition in India, and in view of the Muslim League's boycott of the Constituent Assembly, His Majesty's Government had asked the Viceroy to fly to London for consultation, and had further authorised him to invite representatives of the Congress Party, the Muslim League, and the Sikhs to accompany him.

The same day, Lord Wavell had interviews with Pandit Jawahar Lal Nehru and Mr. Liaquat Ali Khan.

On 30 November, 1946, Lord Wavell accompanied by Pandit Jawahar Lal Nehru, Mr. Jinnah, Sardar Baldev Singh, and Mr. Liaquat Ali Khan left Karachi by air for London. Lord Wavell and the Indian leaders arrived at London on December 3, 1946.

The British Government's Declaration of December 6, 1946

After prolonged discussion with the Members of the Cabinet Mission, on December 6, 1946, the British Government issued the following statement on the question of transfer of power in India :—

"The conversations held by His Majesty's Government with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan, and Sardar Baldev Singh came to an end this evening, as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow.

"The object of the conversations has been to obtain the participation and cooperation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

"The main difficulty that has arisen has been over the interpretation of paragraphs 19 (*v*) and 19 (*viii*) of the Cabinet Mission's statement of May 16 relating to the meetings in Sections, which run as follows :—

> Paragraph 19 (*v*): 'These Sections shall proceed to settle Provincial Constitutions, for the Provinces included in each Section, and shall also decide whether any Group Constitution shall be set up for those Provinces, and if so, with what Provincial Subjects, the Group should deal. Provinces should have power to opt out of Groups in accordance with the provisions of sub-clause (*viii*) below.'
>
> Paragraph 19 (*viii*): 'As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the legislature of the Province after the first general election under the new Constitution.'

"The Cabinet Mission have throughout maintained the view that the decisions of the Sections should, in the absence of agreement to the contrary, be taken by simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement, read as a whole, is that the Provinces have a right to decide both as to Grouping as well as to their own Constitutions.

"His Majesty's Government have had legal advice, which confirms that the statement of May 16, 1946, means what the Cabinet Mission have always stated was their intention.

"This part of the statement, as so interpreted, must therefore be considered an essential part of the Scheme of May 16, 1946, for

enabling the Indian people to formulate a constitution, which His Majesty's Government would be prepared to submit to the Parliament.

"It should, therefore, be accepted by all parties in the Constituent Assembly.

"It is, however, clear that other questions of interpretation of the statement of May 16 ,1946, may arise, and His Majesty's Government hope that if the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side ; and that they will accept such decision; so that the procedure, both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission's plan.

"On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission, in order that the way may be open for the Muslim League to reconsider their attitude.

"If, in spite of this reaffirmation of the intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred for the decision of the Federal Court, such reference should be made at a very early date.

"It will then be reasonable that the meetings of the Sections of the Constituent Assembly should be postponed, until the decision of the Federal Court is known.

"There have never been any prospect of success for the Constituent Assembly, except upon the basis of an agreed procedure.

"Should a Constitution come to be framed by a Constitution Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not of course contemplate—as the Congress have stated, they would not contemplate—forcing such a Constitution upon any unwilling parts of the country."

After the British Government Declaration of December 6, 1946, Pandit Jahwahar Lal Nehru and Sardar Baldev Singh returned to Delhi by air, on December 8. Mr. Jinnah, on the other hand stayed in London till December 15, when he too returned by air. On December 14, he held a Press conference in London, where he asserted that the Muslims could not participate in the Indian Constituent Assembly, until the Congress accepted the terms of the May 16, 1946 plan in totality. He said the best course would be to "allow the Muslims to call their own Constituent Assembly and frame their own Constitution." He reiterated the claim for Pakistan. He arrived at Karachi on December 21, 1946, and there too confirmed what he had said at London.

The Congress Working Committee after prolonged deliberations, extending over a fortnight, issued the following statement on December 22, at the same time announcing that the All-India Congress Committee would give a final verdict on the issue, when it would meet on 5 January 1947 :—

> "The British Government's Declaration of December 6 and the subsequent pronouncement in the Parliament, appear to be a deviation from, and an addition to, the British Cabinet Mission's statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.
>
> "The reasons for the Grouping of the Provinces, are well known. This is an essential feature of the Scheme, and can only be modified by agreement between the two parties......
>
> "The Congress made it clear, that their objection was not to the Provinces entering Sections, but to compulsory Grouping, and the possibility of a dominating Province framing a Constitution for another Province, entirely against the wishes of the latter...... It is well known that the proposal in regard to Grouping injuriously affects two Provinces especially, Assam and the N.-W. Frontier Province, as well as the Sikhs in the Punjab......
>
> "For some time past the attitude of the British Government has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention, long after the members of the Constituent Assembly have been elected, has created a new situation which is full of peril for the future......

"While the Congress has always been willing to agree to a reference to the Federal Court, any reference now, when none of the other parties are prepared to join in it or accept it, and when one of them does not even accept the basis of the Scheme, becomes totally uncalled-for and unbecoming, and is unsuited to the dignity of either the Congress, or the Federal Court."

Mr. Gandhi at the time was touring Bengal to pacify the communal riots at Noakhali and other places. On January 1, 1947 he wrote to the members of the Congress, to accept the British Government interpretation of the May 16, 1946 Plan. Accordingly, the All-India Congress Committee met at Delhi on January 5-7, 1947, and on January 6, passed a resolution:—

> The resolution, after expressing Congress' desire that the Assembly should proceed forthwith to the framing of "a Constitution for Free India with the goodwill of all the parties concerned," and with a view to removing the difficulties that had arisen because of the varying interpretations, advised action in accordance with the interpretation given by the British Government.
>
> The recommendation was qualified by the statement that "it must be clearly understood that this does not involve the compulsion of any Province, or part of a Province, and that the rights of the Sikhs in the Punjab should not be jeopardised."

After this resolution, Mr. Jinnah announced on January 7, 1947 that the Muslim League Working Committee would shortly meet, to consider its implications. The Muslim League Working Committee met at Karachi on January 31, 1947, when it passed the following resolution :—

> "The Congress Party have reacted to the situation created by the statement of December 6 in a manner which shows that they are determined to adhere to their own interpretation of the fundamental provisions of the Cabinet Mission's plan.
>
> "The Congress Working Committee's resolution of December 22 in conjunction with the All-India Congress Committee resolution of January 6 (which conferred the right of veto within a section on a 'Province', and even 'part of a Province', as well as on the Sikhs in the Punjab), is 'a dishonest trick and a jugglery with words,

by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.'

"The Constituent Assembly, by passing the 'Independent Sovereign Republic', and other resolutions involving 'fundamentals of the Constitution', has exceeded its powers, at the present stage.

"It is clear that the Constituent Assembly, in which only the Congress party is represented, has taken decisions on *principles* and *procedure* which exceed the limitations imposed by the Statement of May 16, 1946, on the Assembly's functions and powers at the preliminary stage, and which further impinge upon the powers and functions of the Sections.

"By taking these decisions, the Congress has converted this truncated Assembly into a Rump, something totally different from what the Cabinet Mission's Statement provided for.

"In view of these facts, the Muslim League Working Committee are of the opinion that Congress has destroyed all the fundamentals of the Statement of May 16, 1946, and every possibility of co-operation on the Cabinet Mission's constitutional plan.

"It accordingly calls on His Majesty's Government to declare that the plan formulated by the Cabinet Mission has failed, because the Congress, after all these months of effort, has not accepted the statement of May 16, 1946.

"The proposals of May 16, 1946 could only be given effect to and carried out, if the two major parties agreed to accept them. The Congress has not accepted them......

"The Muslim League had to withdraw its acceptance on July 29, 1946.

"The Working Committee is, therefore, emphatically of the opinion that the election of the Constituent Assembly, and thereafter its summoning, was *ab initio* void, invalid, and illegal; as not only the major parties had not accepted the Statement, but even the Sikhs and the Scheduled Castes had not done so ; that the continuation of the

Assembly and its proceedings and decisions are *ultra vires*, invalid, and illegal; that it should forthwith be dissolved ; and that, in view of these facts, no useful purpose will be served by summoning a meeting of the League to reconsider its decision of July 29, 1946, whereby it withdrew its acceptance of the Cabinet Mission's Plan."

On February 6, 1947, Pandit Jawahar Lal Nehru wrote to the Viceroy that the Muslim League members could not remain in his Cabinet, while they boycotted the Constituent Assembly in violation of the requirements of the Declaration of May 16, 1946. On February 10, 1947, the Muslim League Members of the Cabinet made the same allegation against the Congress members : on the plea that the Congress was not accepting the May 16, 1946 Declaration as regards its provisions about Provincial Grouping. The real trouble was that all the Services and even the Army was by now split up into Hindu and Muslim blocs, each official deriving inspiration from the members of the Viceroy's Executive Council who belonged to his community.

On February 20, 1947, Mr. Attlee, the British Prime Minister, made a statement on India, which was also published the same day in the form of a White Paper :—

"1. It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of the policy an increasing measure of responsibility has been devolved on Indians, and today the Civil Administration and the Indian Armed Forces rely to a very large extent on Indian civilians and officers.

"In the constitutional field the Acts of 1919 and 1935 passed by the British Parliament, each represented a substantial transfer of political power.

"In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose, as soon as the war was over.

"2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since

they came into office, they have done their utmost to carry it forward to its fulfilment.

"The declaration of the Prime Minister of March 15, 1946, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and constitution, and that in the opinion of His Majesty's Government the time had come for responsibility for the Government of India to pass into Indian hands.

"3. The Cabinet Mission which was sent to India last year, spent over 3 months in consultation with Indian leaders, in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected.

"It was only when it seemed clear that without some initiative from the Mission, agreement was unlikely to be reached, that they put forward proposals themselves.

"4. These proposals, made public in May last, envisaged that the future Constitution of India should be settled by a Constituent Assembly composed of representatives of all communities and interests in British India and the Indian States.

"5. Since the return of the Mission, an Interim Government has been set up at the Centre, composed of the political leaders of the major communities, exercising wide powers within the existing Constitution.

"In all the Provinces Indian Governments responsible to Legislatures are in office.

"6. It is with great regret that His Majesty's Government find that there are still differences among Indian parties, which are preventing the Constituent Assembly from functioning as it was intended that it should.

"It is of the essence of the plan that the Assembly would be fully representative.

"7. His Majesty's Government desire to hand over their responsibility to authorities established by a Constitution, approved by all parties in India, in accordance with the Cabinet Mission's plan; but unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge.

"The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged.

"His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948.

"8. This great sub-Continent has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire.

"Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realised, and a higher standard of life attained by the Indian people.

"9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the support of the people, is capable of maintaining Peace and Administering India with justice and efficiency.

"It is therefore essential that all the parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

"10. After months of hard work by the Cabinet Mission, a great measure of agreement was obtained as to the method by which a constitution should be worked out, in accordance with the proposals made therein, by a fully representative Constituent Assembly.

"But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in para 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India

should be handed over, on the due date; whether as a whole to some form of Central Government for British India ; or in some areas to the existing Provincial Governments ; or in such other way as may seem most reasonable and in the best interests of the Indian people.

"11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hands in advance.

"It is important that the efficiency of the Civil Administration should be fully provided for.

"But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935.

"Legislation will be introduced in due course to give effect to the final transfer of power.

"12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under Paramountcy to any Government of British India.

"It is not intended to bring Paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with the individual States may be adjusted by agreement.

"13. His Majesty's Government will negotiate agreement in regard to matters arising out of the transfer of power with the representatives of those to whom they propose to transfer power.

"14. His Majesy's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the U. K. has been long and friendly, and will continue to be to their mutual advantage.

"15. His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their

goodwill and good-wishes towards the people of India as they go forward to the final stage in their achievement of self-government.

"It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian people should not be brought to an end ; and they will wish to continue to do all that is in their power to further the well-being of India.

"This concludes the statement of policy. The House will now wish to know an announcement being made public today. Field-Marshal Viscount Wavell was appointed Viceroy in 1943 after having held high military command in S.-E. Asia, the Middle East, and India, with notable distinction since the beginning of the War. It was agreed that this should be a War-time appointment. Lord Wavell has discharged his high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of this new and final phase in India is the appropriate time to terminate this War appointment.

"The King has approved as successor to Lord Wavell, Rear-Admiral Viscount Mountbatten of Burma, who will be entrusted with the task of transferring to Indian hands the responsibility for the Government of British India, in a manner that will best ensure the future happiness and prosperity of India.

"The whole House will wish Lord Mountbatten well in his great task. The change of office will take place during March 1947. The House will be glad to hear that the King has been pleased to confer an Earldom on Viscount Wavell."

Lord Wavell left India on March 23, 1947, and Lord Mountbatten took over as the Viceroy.

On 7 March 1947, the Congress Working Committee overwhelmed by the support for Pakistan in the Punjab, passed the following two resolutions :—

"1. In this hour, when the final decisions have to be taken, and the future of India has to be shaped by Indian hands, the Working

Committee earnestly call upon all parties and groups, and all Indians generally, to discard violent and coercive methods, and to co-operate peacefully and democratically in the making of the Constitution.

"The end of an era is at hand and a new Age will soon begin. Let this dawn of a new Age be ushered in bravely leaving hates and discords in the dead past."

"2. During the past seven months India has witnessed many horrors and tragedies, which have been enacted in an attempt to gain political ends by brutal violence, murder, and coercion.

"These attempts have failed, as all such attempts must fail, and have only led to greater violence and carnage.

"The Punjab, which had thus for escaped this contagion, became six weeks ago, the scene of an agitation, supported by some people in high authority, to coerce and break a popular Ministry, which could also be attacked by constitutional methods.

"A measure of success attended this, and an attempt was made to form a Ministry dominated by the Group that led the agitation.

"The tragic events, in the Punjab had shown that the problems of that Province could not be settled by violence or coercion."

The resolution proposed, as a solution involving the least degree of compulsion, the division of the Punjab into two Provinces, one predominantly Muslim, and one predominantly non-Muslim, recommending this solution as one which 'should work to the advantage of all the communities and lessen friction, fear, and suspicion of each other'.

On April 22, 1947 Pandit Jawahar Lal Nehru, addressing a political Conference in U. P. remarked :—

"......The Muslim League can have Pakistan, if they wish to have it, but on condition that they do not take away other parts of India, which do not wish to join Pakistan......"

On May 19, 1947 Lord Mountbatten was called to London, where he stayed till May 29, 1947, when he flew back to Delhi, reaching there on May 30. On June 2 he gave copies of the British Plan laying down the procedure for transfer of authority to Indian leaders in accordance with the February 20, 1947 announcement.

The British Declaration of 3 June, 1947

On June 3, 1947 the British Prime Minister made the following statement before the House of Commons, which was also published the same day as a White Paper :—

STATEMENT BY HIS MAJESTY'S GOVERNMENT
JUNE 3, 1947

Introduction

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission's plan of May 16, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Marwar and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representatives of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has develoved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan

set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India ; this is a matter for the Indian themselves. Nor is there anything in this plan to preclude negotiations between communities for a United India.

The issues to be decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representative are already participating in it, will take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed:—

(*a*) in the existing Constituent Assembly ; or

(*b*) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participat in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

Bengal and the Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European Members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority Districts and the other the rest of the Province. For the purpose of determining the population of the Districts, the 1941 census figures will be taken as authoritative. The Muslim majority Districts in these two Provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should

be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on hehalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority Districts (as laid down in the Appendix) and non-Muslim majority Districts. This is only a preliminary step of a purely temporary nature, as it is evident that for the purpose of a final partition of those Provinces a detailed investigation of boundary question will be needed ; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference to which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on *the basis of ascertaining the continguous majority areas of Muslim and non-Muslims*. It will also be instructed to take into account *other factors*. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European members) will, at a special meeting, also take its own decision on the alternatives in paragraph 4 above.

The North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a Referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The Referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

Assam

13. Though Assam is predominantly a non-Muslim Province, the District of Sylhet, which is continguous to Bengal is predominantly Muslim. There has been a demand that, in the event of a partition of Bengal, Sylhat should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a Referendum will be held in Sylhet District under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the District of Sylhet should continue to form part of the Assam Province, or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the Refrendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majiority areas of the adjoining Districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case con-

tinue to participate in the proceedings of the existing Constituent Assembly.

Representation in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16, 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this District should form part of East Bengal. The number of representatives to which each area would be entitled is as follows :—

Province		*General*	*Muslims*	*Sikhs*	*Total*
Sylhet District	..	1	2	*Nil*	3
West Bengal	..	15	4	*Nil*	19
East Bengal	..	12	29	*Nil*	41
West Punjab	..	3	12	2	17
East Punjab	..	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

Administrative matters

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon :—

(*a*) Between the representative of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.

(*b*) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(*c*) In the case of the Provinces that may be partitioned, as to the administration of all Provincial subjects such as the division of

assets and liabilities, the Police and other Services, the High Courts, Provincial institutions, etc.

The Tribes af the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India, and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of the Provinces will proceed independently, as far as practicable, within the conditions of this plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories ; they will of course be free to frame their own rules.

Immediate Tranfer of Power

20. The major political parties have repeatedly emphasised their desire that there should be earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June, 1948, for the handing over of power by setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year, on a Dominion Status basis, to one or two successor authorities, according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course, whether or not the part of India in

respect of which they have authority will remain within the British Commonwealth.

Further Announcement by Governor-General

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to the procedure or any other matters for carrying out the above arrangements.

APPENDIX

The Muslim majority districts of Punjab and Bengal according to 1941 census:—

1. *The Punjab*

Lahore Division—Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.

Rawalpindi Division—Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur.

Multan Division—Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. *Bengal*

Chittagong Division—Chittagong, Noakhali, Tippera.

Dacca Division—Bakerganj, Dacca, Faridpur, Mymensingh.

Presidency Division—Jessore, Murshidabad, Nadia.

Rajshahi Division—Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

Electorate from 1920 to 1947

This concludes the history of the struggle for the establishment of Pakistan, as against the supporters of Akhand Hindustan. It also brings us up chronologically where Chapter III started—the establishment of Pakistan. We have already analysed the changes that the Muslims accepted in the system of "Double Representation' in return for

Weightage", "Safeguards", and the extension of reforms to Muslim Provinces under the1919 Act (Lucknow pact 1916).

However, the experience of Dyarchy soon proved that weightage, safeguards, and separate electorates, by themselves could not secure for the Muslims that equitable division of the political power in the country, which they sought, with the gradual elimination of the British ruling power.

It was Dr. Sir Mohammad Iqbal who in his 1928 lectures visualised that the Muslims should accept the National State, instead of "the Universal Muslim State, as their ideal in the exigencies of the 20th century Rationalism, Nationalism and Democracy. He eleborated this thesis in his famous Allahabad Presidential Address in 1930, in which he proposed a separate Muslim State in North-West India.

The working of the 1935 Act further convinced the Muslims that weightage, safeguards, the Communal Award, and Provincial Autonomy could not protect them from the hostile domination of the Hindu majority population in the sub-Continent. The complete failure of the Khilafat Movement, the exposure of the sheer unpractical planning behind the Hijrat Movement, the limited scope of the Tabligh and Tanzim movements, and the incompatibility of the Khaksar Movement's theory of dictatorship, with the universal and international faith in democracy, finally compelled the Indian Mussalmans to formulate the establishment of Pakistan in their Homelands, as their political ideal.

The very conception of Pakistan was based on the realisation that separate electorates with the auxiliary devices of weightage, safeguards etc. could not give the Mussalmans an opportunity to live their own collective life in the modern world, where they were surrounded by powerful hostile systems of thought. We have already noted how Dr. Sir Mohammad Iqbal in his historic Presidential Address of 1930 at Allahabad, explicitly laid down that if a separate Muslim State were established, the Mussalmans would give up their demand for separate electorates, and willingly accept joint electorate.

Thus the two decades following 1920 can be said to have matured Muslim thought to the realisation of the political realities around them. They could not regain the paramountcy enjoyed by them before the 1857

Revolt, and they had to reinterpret their political aspirations in terms of the modern methods of political organisation. The principle of "territoriality" is essential for a State in the Democratic Age, which automatically involves sharing the State with all the residents. This was the foundation on which Pakistan was built.

The detailed history of the struggle for the liberation of the Muslim Homelands, which we have given in the foregoing pages conclusively proves that at every stage, Pakistan asserted *the principle of territoriality* for the purpose of achieving its independent status. Now to attack the principle of *territorial electorate* in favour of *theological electorate* amounts to attacking the very foundation of Pakistan. If political homogeniety cannot be achieved among all the citizens of Pakistan, where was the fun of Partition ?

Ideology

In chapter VI (Analysis) the discussion of many ultimate ideological questions was postponed to the present chapter. After having gone through the history of the different systems of electorate in this sub-Continent and the constitutional developments which from time to time provided the back-ground to the changes in the system of electorate, we can now with advantage return to the consideration of those left over points.

Two primary considerations have historically been decisive in determining the identity of a people. On the one hand, the residents of a particular territory irrespective of their racial, moral or cultural links were sometimes conglomerated into a "nation", by sheer geographical contiguity and the physical need to cooperate collectively. On the other hand, groups of humanity though living in far-flung off and distant places, have considered themselves linked into one "national bond", because of their racial, moral, or cultural identity.

Industrial development, and the immense complexity of a modern State, has made it necessary that only a territorial State can survive—indeed exist—in the present day conditions. The result is that even world-wide, moral or racial communities have been compelled to bow to the inexorable logic of the territorial State. Israel is one example. Separate communist States (like China and Russia) are another example. Muslim national States are the third instance.

The Indian Mussalmans started their political life in the second decade of the present century with an enthusiastic assertion of "Islamic universal Fraternity". The Khilafat movement was their ideal, the Hijrat movement was their method. But they soon realised that the territorial and material forces of the modern world were too strong for their convictions. It was then that Dr. Sir Mohammad Iqbal proposed that the modern Muslims should make a "half-way house State", where they could gain independence from Western slavery, in preparation for "the ideal universal Muslim Fraternity". It was the Poet-philosopher who also formulated the necessary political theory, only it was left for an eminent lawyer to give constitutional shape to the claim and thus win the case.

Thus Pakistan is a "half-way house "between the slavery of yesterday and "the universal Muslim Fraternity," which is "the promise of tomorrow". But meanwhile, Pakistan has to exist, and it has to be preserved. Therefore, we have to make a distinction between the *law of the land*, and the *law of the conscience*. For a Muslim, the law of the conscience can only be the Gospal law (Shariat), as interpreted by his particular Canon law (Fiqah). But Pakistan has been gained in the name of self-determination and democracy. Therefore, its non-Muslims "residents" have to be recognised as full "citizens", under the solemn treaties and agreements, which liberated our Homeland. Once "equality of citizenship" is conceded to non-Muslims, they can only be subjected to the "laws of the land" democratically and constitutionally promulgated. They cannot be subordinated to "the laws of Muslim conscience", unless these are translated into the "laws of the land". These truths have already been incorporated in the Constitution of the Republic of Pakistan.

It does not necessarily mean that there should be any split between the "*moral values*" and the "*political values*" in Pakistan. It only means that, whereas "moral values" can have their source in faith, or tradition; the "political values" will have to be rationally established and intellectually propagated.

This has again been conceded in our constitution, which lays down jointness of deliberations and decisions in all our legislatures. A Provincial House, or the Parliament, exercise National Sovereignty as a whole, irrespective of communal distinction. In a Cabinet the responsibility is joint—irrespective of the communal differences. In the question of recruitment to Services, and holding of the highest key-posts, no distinction is made between a Muslim or a non-Muslim.

In the circumstances we cannot long withhold that jointness from the Constituency, which we have already applied to the House, the Executive, the Judiciary, and the Laws of the Land on which the State is founded.

For the Muslims, this state of affairs presents not only a challenge, but also an opportunity. Their message has been universal. Their ideal has still a world-wide comprehensiveness. Ultimately, democracy means nothing more than that: Humanity should not be subjected to any restrictions, other than its own conscience. Islam claims that it is the "Voice of Reality" itself. Therefore, it should not be difficult for Islam to win the contest under the rules of democracy.

The establishment of Pakistan provides a concrete demonstration of this possibility. The very rules of democracy which the Hindus and the British expected to use for the suppression of the Muslims, were ultimately successfully applied in creating the largest and the greatest modern Islamic State. Why should we be afraid that the "principle of territoriality" if pursued still further, will in any manner harm our prospects? It is only the advice of cowardice, if not of ignorance and incompetence.

A Theological State was and is our ideal, but we have been compelled to start with a Territorial State. Theological electorates are not our ideal in any sense of the word. Therefore, territorial electorate is the best instrument for our national solidarity, which is the first step towards Islamic Solidarity.

CHAPTER VIII

Conclusions

It has been noted that the architect of Pakistan, Dr. Iqbal, in his historic presidential address at the Allahabad Muslim League Session in 1930, clearly stated that once a separate Muslim State is established, the Mussalmans will adopt territorial electorate. It has been recorded, that the builder of Pakistan, Qaid-e-Azam Mohammad Ali Jinnah, in his first formal pronouncement after the liberation of the fatherland, declared that politically, Muslims are no longer mere Muslims, and Hindus are not Hindus—all are equal citizens of the common State. In other speeches he compared Hindu-Muslim political split to the religious sectarian feud between the Catholics and the Protestants of England, who ultimately emerged as Englishmen. He further quoted the example of the U.S.A where the Spanish, the German, and the English had to give up their traditional "nationality" for the formation of a new territorial State. He meaningfully reminded: "these people had to forego something, which they had enjoyed in the past, whereas you had nothing." It has been noticed how the first pilot of the ship of the State of Pakistan, Shaheed-e-Millat Liaqat Ali Khan, who sacrificed even his life at the altar of his patriotism, went so far in his advocacy of the principle of jointness that he wanted to make non-Muslim Pakistanis, eligible for the office of the Head of the State. It has been observed that Sardar Abdur Rab Nishtar frankly admitted that territorial electorate is the *summum bonum*, the ultimate ideal, which if the stomach of some sick persons cannot digest, just as patients do not eat chicken during illness, then in due course their political malady will have to be cured.

If any issue can be decided on the strength of authority alone, then I must confess in all humility, the galaxy of these fathers of Pakistani patriotism is sufficient for me. I am quite content to occupy a seat behind the ranks of such stalwarts and pioneers of Muslim leadership. All the same, if there are any dissenters who believe that they understand the meaning of Pakistan better than the eminent names quoted above; or are under the impression that the interests of Pakistan are nearer to their heart; well then human credulity is boundless; and I don't believe in using hard words for expressing obvious truths.

SHAHEED-E-MILLAT



"The Minorities shall have equal opportunity with members of the Majority Community to participate in the public life of their country, to hold political or other office......"

(Delhi, 8 April 1950)

The achievement of Pakistan and the promulgation of territorial electorate are both parallel culminations of historical developments during the past century. I have studied these developments even at the risk of some digression, because they are the root of the problem.

Leaving aside unscrupulous politicians, who for the sake of office one day support territorial electorate, enter into solemn written pacts to that end, and the next day start arguing that there is such a thing as a "theological electorate," it has to be admitted that there is some genuine apprehension too. We have to find out and analyse it.

Just as in the course of evolution in the world of nature, certain organisms were developed to correspond to certain past conditions of physical environment, even though some of their specimens might be surviving today; similarly certain heads are stuck up in the political exigencies of the teens and the twenties. Both feel uncomfortable in the changed elements. One has every sympathy for them. But the only chance of salvation for them is to grow with the times.

There was a time in the early years of this century when the Muslims claimed and achieved, Duplicate Representation. After ten years, in order to secure their interests in the C. P. and the Punajb, where the new reforms were to be promulgated, they sacrificed Duplicate Representation in favour of separate electorate and weightage.

During the last twenties, the greatest issue between the Indian National Congress (Nehru Report) and the All-Muslim Parties Cönference was that the former wanted a unitary constitution, while the latter fought for a federal constitution.

During the thirtees the Congress asserted the constitutional principle of rule by a parliamentary majority, whereas the Muslims wanted an alliance (coalition) on a basis of equality between communal political parties, in the terms of their strength outside the House.

During the forties the position was reversed, now the Congress wanted a federal constitution with residuary powers for the Units, but the Muslims wanted half and half share in the territorial sovereignty.

Look at it, from another angle. Syed Ahmed Shaheed fought the British interests to preserve Islamic solidarity. Sir Syed Ahmed loyally

served the British, for the same end in view. Syed Amir Ali interpreted Islamic history and culture, to discover all the democratic virtues in them. Syed Jamal-ud-Din Afghani attempted the same task, to establish that the West is a cave of primitivity, and those who want to reconcile Islam with imperialistic civilisation, are the enemies of Islam. Sir Shafi and Sir Fazal-e-Hussain spent their lives in getting educational percentages and Government jobs for Muslims. Whereas Maulana Mohammad Ali Johar, Maulana Zafar Ali, and Maulana Abul Kalam Azad did their best to withdraw the Muslims from all points of contact with the ruling power.

Does it mean that there was any contradiction in the two trends of Muslim history, as summarised in the above two paragraphs? Not at all. That is why all these giants of the past are now equally respected and revered by posterity. They are our national heroes. In their own way, each one of them made his contribution towards our present survival. The methods were different, but the aim was one—the good of the Nation.

If we accept this principle of relative and transient value for all constitutional devices, why such a misunderstanding should ever arise about the electorate issue? Nobody seriously contends that the Muslims should now have Duplicate Representation in Pakistan. No one seeks safeguards in the prevailing circumstances. Why then, this insistence on the separate electorate?

The misunderstanding has arisen out of the unwitting declarations of some eminent politicians, that electorate is in any way connected, with "nationhood". Now this is correct only in so far as nationhood means "Statehood". But "nationhood" also means "peoplehood". The staunchest supporter of separate nationhood will not deny that Pakistan is a territorial State, where many citizens are non-Muslims, whereas our Muslim brethren across the border are aliens. But when our simple folk are told that territorial electorate implies "common nationality", they naturally revolt against it. It appears to them to mean the amalgamation of personal laws, moral values, religious beliefs; and sometimes it appears to them as if even their biological integrity is threatened.

This misunderstanding has to be removed. If the achievement of Pakistan has not separated us from the Universal Islamic Fraternity, but gives us the actual power to do something concrete for it, then similarly "territorial electorate" in itself has no tendency to harm the social, cultural, economic, and political ideals of Islam. Indeed it provides us with

an opportunity to educate ourselves, as well as other citizens of Pakistan, in those moral, spiritual and real values about which we have been talking more, than learning and practising them objectively.

Every society has its share of obscurantism and even chauvinism. Pakistan cannot claim to be an exception. Those elements who due to faulty training, unhealthy and unsympathetic environments, or some other shortcomings, are unable to draw adequate attention, or attain social recognition, have recourse to spreading vague fears, and often indulge in inflated boasts.

After the 1857 Revolt, the Muslims suffered from the twin pressure of Hindu economic domination, and British political supremacy. One of the unhealthy traits that Muslim public life developed from those days was the use of exaggerated invectives, tall talk, threats, and vehement condemnation without substantiation.

During the decade that led to the partition of India, unfortunately this weakness of the community was encouraged by the unclean tactics of the adversaries of the Muslim demand for self-determination. Muslim League itself had at its lower levels to encourage this tendency, because it helped to engender popular enthusiasm. The people could only express themselves in terms which were in daily use in the bazars and the lanes.

With the attainment of Independence, this psychological weakness has caused us many a set-back in the international field. It is time that it should be suppressed, and suppressed completely. The only way to suppress it is to take it by the forelock.

The bitter memories of the partition riots, the murders, the tortures, the loss of dear ones, have naturally not left a pleasant taste in the national mind. But those who want to gain temporary political advantage by exploiting such diseased and unbalanced sentiments, are doing a great disservice to the national cause.

Revenge has undoubtedly played a great part historically in the recovery of nations. But seldom has it finally proved a positive factor. Anyhow revenge is a manly and an extrovert emotion. Petty and blind hatred should not be confused with that noble, even if unpious, emotion.

Another strange sight, often to be observed, is that those who are most eloquent in supporting separate electorate with religious arguments, are the least religious in personal observance. Perhaps that is the reason why separate electorates have more often been betrayed by their supporters, than defeated by its adversaries.

Anyhow we have yet to meet a genuine supporter of separate electorates who is well-versed in the religious aspect of the question, and has also a fair knowledge of the implications as well as the working of the various institutions of a modern democratic State.

It is no accident that most witch-hunting and inquisition proceedings in history have been conduced by the enthusiasts who were not the least serious about the principles in whose name they hanged, burnt, and tortured others.

It has been revealed that in Nazi Germany, many eminent persecutors of the Jews themselses had Jewish blood in their veins—but it just helped to get power and a share in the spoils. Similarly some of the most eminent leaders of the Muslim League are themselves the originators of the campaign for joint electorate. In private talks they freely admit that they believe in joint electorate, but laughingly and teasingly, they point out how hot they can make the atmosphere for their political rivals with such slogans, if they are not conveniently accommodated.

It is puzzling how the very Muslim Leaguers who plan economic undertakings in the country with their Hindu financiers; distribute portfolios of the Provincial and Central cabinets among their Hindu colleagues; lose no opportunity of fraternising with Hindu M.L.A.s, in expactation of convassing for their votes; pose the sudden violation of their deepest feelings when they hear the very possibility of their constituents—not forming any joint executive, a joint firm, or a coalition—but simply committing the horrible sin of chalking out a common economic and political policy for the solution of local problems, in consultation with the non-Muslim residents of the area. "A Hindu voter cannot vote for a Muslim, but a Hindu Minister can rule the State."

Were it not Muslim Leaguers who incorporated a provision in the Constitution that Islamic laws should not operate upon the financial dealings of these leaders and their Hindu friends, for joint firms, for

earning profits, and taking interest ? Was it not a Muslim Leaguer Minister for Law who assured Pandit Jawahar Lal Nehru about the first draft of the Constitution, that 90 per cent of the legislation will not come under the purview of the Quran and Sunnah Provisions, and the remaining 10 per cent will also escape any hindrance, because the Clause had been so cleverly worded that a transgression has simply 'not to be repugnant to Quran and Sunnah'. Thus the onus will always be on the other party to prove that it is repugnant—a very onerous undertaking in the present condition of our laws, as any lawyer will tell you.

These days there is much loud talk about Pakistan being an ideological State. Normally that means there is a territorial State, which is inspired by a certain ideological outlook. Or does it mean that it is a dream-State, confined to an ideological outlook, without earthly roots in a defined territory, and material responsibilities towards all its inhabitants—even those who differently interpret the ideology. Is it the Pakistan of the fifties which is an objective reality, or is it the Khilafat Movement of the teens about which Sir Michael O'Dwyer writes that: the armies were in Central Asia, the Commanders in Arabia, the Headquarters in Kabul, and the sympathisers in India—with the lines of communications all cut off !

Another practical difficulty in the way of contemplating any change in the prevailing territorial electorate is, that now it is woven up so intricately with the fabric of the Constitution, and the climate of provincial political sentiments, which the Muslim Leaguers have cultivated and consolidated in the country during their days of power, that the system of electorate cannot be changed without destroying the present structure of the State, and returning to the chaos, where the Leaguers had left it. For ten years these patriots—Mr. Nurul Amin with Mr. Fazalur Rahman and Maulana Tamizuddin on the one hand, and Choudhri Mohammad Ali, Mr. Daultana, Mr. Qayyum, Mr. Gurmani, Qazi Isa, and Mr. Chundrigar on the other, had reduced the B.P.C. to a Bengal-Punjab Controversy: as the Muslim League President, Mr. Mohammad Ali Bogra put it. These "Brothers in Islam" could not tolerate the slight majority of Bengali Muslims, because that meant "Bengal Raj" to Mr. Daulatana, Mr. Qayyum, Chaudhri Mohammad Ali, and Mr. Gurmani. Then if "parity" was conceded, it upset Mr. Nurul Amin and Mr. Fazalur Rahman. They protested against the "dictatorship of the Punjab".

It was in this difficult atmosphere, wholly created by the personal rivalries of about a dozen Muslim League leaders, under the grandiose

labels of the "Punjab camp" and the "Bengal bloc," that some of the present Republican leaders with the help of the statesmanship of Mr. Suhrawardy succeeded in evolving the formula of Provincial Parity, which has given us an agreed Constitution.

If the Bengal vote is now again fundamentally split into Hindu and Muslim sectors, the principle of parity between two homogenous wholes is finished. With the elimination of parity, the present Pakistan federation is also reduced to ashes.

Certain Leaguers are these days supporting separate electorates and One Unit in the same breath. It is not clear; whether they are themselves ignorant, or are relying on public ignorance of the fact: that the whole conception of Western integration is grounded on East-West parity. East-West parity presupposes a territorially integrated East. How can you split the East communally into two, and at the same time plead for the territorial integrity of the West? Certainly the theory of Crack-Electorate has some crack-heads amongst its sponsors.

This brings me back to where I started. The thick clouds are not yet fully removed from the horizon. But already some rays of light have penetrated the dark canopy of ignorance. It has been a long, but fascinating study. I can only hope that it will also help some of my compatriots in removing the doubts, as it has helped me to arrive at a clear and reasoned conviction.

The Indian Muslims accepted the principle of the territorial electorate, the day they realised the failure of the fantastic struggle of the Khilafat Movement. They refused to migrate (Hijrat) any longer. They said this is our territory. We shall rule here according to democratic canons.

If we now go back to the theological electorate, the territorial frontiers of Pakistan will simultaneously evaporate . If our State is not territorial, but is spiritual; then what is the justification for denying representation to the four crore Indian Muslims, who were our comrades in the struggle for liberation?

Why do we provide representation to the Hindus who fought against Pakistan, and deny the opportunity to our Muslim brothers? The only

reply is because we all have solemnly accepted the democratic principle of territoriality, since partition.

Under the Liaquat-Nehru Delhi pact of April 8, 1950: "both the Governments of Pakistan and India—solemnly agreed that..............the minorities shall have equal opportunities with the members of the majority community to participate in the public life of their country, to hold political or other office.........."

I cannot conclude better than by quoting textually what Shaheed-e-Millat Liaquat Ali Khan remarked in interpretation of this particular aspect of the Delhi Pact 1950: "*............... it shall always be our earnest, and proud endeavour to see that democracy and equality of citizenship, irrespective of race, creed, or religion, which are the fundamental principles of our Way of Life, and to which we have solemnly and before God pledged ourselves in our Constitution, are strictly observed. If we fail to observe them, we should have disgraced Pakistan, and made a mockery of the very principles for which we fought:......."

* Page 73-74 Pakistan, the Heart of Asia, published by Harvard University Press, 1951 Edition.

APPENDICES

APPENDIX I

(Three Schedules pertaining to "TILTING THE BALANCE" Argument in Chapter IV: For Separate Electorate: Page 97)

SCHEDULE No. 1

The Jamaat-i-Islami contends that in the following 42 constituencies in East Pakistan, the proportion of non-Muslim voters is from 35.56 to 49.99:—

Serial Number and Name of Constituency	*Non-Muslim Population Percentage*
1. East Satkhera	42.15
2. North Gopalganj	42.09
3. North-West Gopalganj	42.04
4. Central Thakerganj	42.36
5. South Gopalganj	41.04
6. South-east Maulvi Bazar	41.35
7. South-east Jessore Sadar	40.05
8. Bagerhat Central	40.53
9. Denajpur Sadar West	40.37
10. South Maulvi Bazar	40.48
11. North-west, Habib Ganj	40.69
12. North Bagerhat	40.00
13. South-west Khulna Sadar	40.64
14. North Baqir Ganj Sadar	39.07
15. West Satkhera	39.18
16. South Satkhera	38.78
17. North-east Khulna Sadar	38.34
18. South Thakar Gaon	38.61
19. East Bagarhat	38.01
20. West Maulvi Bazar	37.54
21. South Baqir Ganj Sadar	37.06
22. North Perojpur	37.49
23. South Naryal	36.31
24. Chittagong Central	36.83
25. East Chittagong Sadar	36.87
26. South-east Chittagong Sadar	36.06
27. Dacca Sadar Central	35.88
28. North-east Satkhera	35.56
29. South Habibganj	49.99
30. South-west Sana Ganj	49.19

Serial No. and Name of Constituency	*Non-Muslim Population Percentage*
31. South-west Habib Ganj	49.93
32. Talfamari Central	48.65
33. North-west Munshi Ganj	48.52
34. North Rangpur Sadar	48.09
35. South Goalundo	48.27
36. North-east Netrokona	47.05
37. North-west Sana Ganj	49.97
38. West Habib Ganj	47.23
39. South Magura	47.00
40. North Magura	46.65
41. Central Denajpur Sadar	45.64
42. North-east Maulvi Bazar	44.06

SCHEDULE No. 2

The Jamaat-i-Islami is of the opinion that in the following five Women's Constituencies in East Pakistan, the non-Muslims will be able to dominate with the help of a very low fraction of Muslim votes:—

Name of Constituency	Percentage of non-Muslim Women Voters	Percentage of Muslim Women Voters	Percentage of actual Muslim Votes	Percentage of likely total of actual Votes
1. Baqir Ganj Municipality	34.81	65.19	32.6	66.87
2. Chittagong Municipality Ward ..	39.7	60.3	30.2	69.9
3. District Mymensingh Municipalities ..	34.87	65.13	32.56	67.43
4. Denajpur, Rangpur and Bogra Municipalities ..	34.01	65.99	33.00	67.1
5. Faridpur, Kushtia, Jessore and Khulna Municiplaities ..	35.2	64.8	32.4	67.6

SCHEDULE No. 3

The Jamaat-i-Islami is afraid that in the following 88 Constituencies of East Pakistan, where the percentage of Non-Muslim population is 20 to 35.48 per cent, the non-Muslims are again likley to win the elections, either by supporting a Muslim candidate of their own choice, or by securing a very small support from Muslim deviationist vote.

Constituency	Percentage of non-Muslim population	Percentage of Muslim population	Percentage of Muslim Male voters	Percentage of Muslim Female voters	Percentage of likely total actual Muslim votes	Percentage of total actual votes	Percentage of votes required to give victory to non-Muslims	Percentage of Muslim votes required by non-Muslim to gain victory
1	2	3	4	5	6	7	8	9
1. South-east Nerokona ..	35.48	64.52	32.26	32.26	35.52	71	35.501	.21
2. North Feni	35.37	64.63	32.32	32.31	35.551	70.921	35.46	.09
3. South Nelphameri	35.43	64.57	32.29	32.28	35.52	70.97	35.48	.05
4. Naogaon	35.25	64.75	32.38	32.38	35.617	70.867	35.434	.184
5. West Rajshahi Saddar ..	35.37	64.68	32.32	32.31	35.551	70.921	35.46	.09
6. West Faridpur Saddar ..	34.56	65.44	32.72	32.72	35.992	70.552	35.276	.716
7. North-west Baqir Ganj Saddar ..	34.59	65.41	32.71	32.70	35.98	70.57	35.29	.07
8. West Thakar Gaon ..	33.33	66.67	33.34	33.33	36.67	70	35.001	1.677
9. West Mang Ganj ..	34.43	66.57	33.29	33.28	36.57	69.787	34.894	1.464
10. North Satkhera	32.92	67.08	35.54	33.54	36.894	68.814	34.408	1.488
11. West Perojpur	32.90	67.81	33.91	33.09	37.03	69.49	34.75	2.56

1		2	3	4	5	6	7	8	9
12. East Brahman Baria	..	32.9	67.91	33.96	33.95	37.355	70.255	35.128	2.228
13. South-east Brahman Baria	..	32.11	67.89	33.95	33.94	37.344	69.444	34.777	2.667
14. North Brahman Baria	..	31.97	68.03	34.02	34.01	37.421	69.391	34.696	
15. Central Brahman Baria	..	31.04	68.96	34.48	34.48	37.928	68.968	34.485	3.445
16. North-east Kishoreganj	..	31.84	68.16	34.08	34.08	37.488	69.328	34.665	2.825
17. South-east Sonam Ganj	..	30.8	69.2	34.6	34.6	38.06	68.86	34.431	3.631
18. North Maulvi Bazar	..	30.8	69.2	34.6	34.6	38.06	68.86	34.431	3.631
19. West Narain Ganj	..	30.06	69.94	34.97	34.97	38.467	68.527	34.264	4.204
20. North Memonsingh Saddar	..	29.95	70.05	35.03	25.03	38.532	68.482	34.242	4.272
21. North Neero Kona ..	..	29.78	70.22	35.11	35.11	38.621	68.401	34.201	4.421
22. East Narpal ..	..	28.3	71.97	35.99	35.98	39.582	67.882	33.941	5.641
23. North-east Rangpur Saddar	..	28.93	71.07	35.54	35.53	39.093	68.023	34.012	5.082
24. West Dacca Saddar	..	28.64	71.36	35.68	35.68	39.248	67.888	33.945	5.305
25. North-Central Dacca Saddar	..	28.64	71.36	35.68	35.68	39.248	67.888	33.945	5.305
26. South-west Madaripur	..	28.1	71.99	36	35.99	39.68	67.78	33.89	5.79
27. North Faridpur Saddar	..	27.37	72.63	36.32	36.81	39.951	67.321	33.661	6.291
28. North-west Korigram	..	27.76	72.24	36.12	36.12	39.732	67.497	33.749	5.989
29. North-west Chittagong	..	27.54	72.46	36.23	36.23	39.853	67.393	33.697	6.157
30. North-west Bogra ..	..	27.17	72.83	36.42	36.42	40.061	67.331	33.616	6.446

Constituency	Percentage of non-Muslim population	Percentage of Muslim population	Percentage of Muslim Male voters	Percentage of Muslim Female voters	Percentage of likely total actual Muslim votes	Percentage of total actual votes	Percentage of votes required to give victory to non-Muslims	Percentage of Muslim votes required by non-Muslim to gain victory
1	2	3	4	5	6	7	8	9
31. South Tangail	27.57	72.43	36.22	36.21	39.841	67.411	33.706	6.136
32. Central Manak Ganj ..	27.16	72.84	36.42	36.42	40.062	67.222	33.612	6.452
33. East Manak Ganj ..	27.29	72.71	36.35	36.36	39.995	67.285	33.643	6.353
34. South Dacca Saddar ..	27.16	72.84	36.42	36.42	40.062	67.222	33.622	6.452
35. South Denajpur Saddar ..	26.76	73.24	36.62	36.62	40.282	67.042	33.522	6.762
36. Central Jhenidah	26.67	73.33	36.67	36.67	40.336	67.006	33.504	6.834
37. South-east Kishore Ganj ..	26.00	74.00	37	37	40.7	67.7	33.4	7.4
38. North-east Sylhet Saddar ..	26.2	73.93	36.99	36.99	40.689	66.889	33.445	7.245
39. East Peerojpur	25.71	74.29	37.15	37.14	40.864	66.574	33.288	7.578
40. Central-south Chittagong Saddar	25.2	74.98	37.49	37.49	41.239	66.439	33.22	8.02
41. Sonam Ganj North ..	24.92	75.08	37.54	37.54	41.294	66.214	33.108	8.188
42. North-east Habib Ganj ..	24.49	75.51	37.76	37.75	41.535	66.025	33.013	8.523
43. South Jessore	24.93	75.07	37.54	37.54	41.294	66.224	33.113	9.283
44. North-east Nawagawa ..	24.10	75.9	37.96	37.94	42.74	65.354	32.928	8.828

1	2	3	4	5	6	7	8	9
45.	24.52	75.48	37.74	37.74	41.514	66.034	33.018	8.498
46. West Sylhet Saddar ..	23.16	76.84	38.42	38.42	42.262	65.422	32.712	9.552
47. North Jhenidah ..	23:79	76.21	38.11	38.10	41.920	65.71	33.856	9.046
48. Central Jessore South ..	23.8	76.92	38.46	38.46	42.306	66.106	33.054	9.254
49. Brahman Baria West ..	23.53	76.47	38.24	38.23	42.063	65.593	32.797	9.267
50. South-north Teera ..	23.22	67.78	38.39	38.39	42.329	65.549	32.775	9.355
51. South Tangail ..	23.33	76.67	38.335	38.335	42.1685	65.4985	32.7498	9.4198
52. North-west Golanda ..	23.6	67.94	38.47	38.47	42.317	65.917	42.959	9.359
53. North-east Chittagong Saddar ..	23.4	67.96	38.48	38.48	42.328	65.728	32.865	9.465
54. North-east Faridpur Saddar ..	22.77	77.23	38.615	38.616	42.4765	65.2465	32.6233	9.8533
55. South Jhenidah	22.16	77.84	38.92	38.92	42.812	64.974	32.487	10.327
56. Central South Chittagong ..	22.02	77.98	38.99	38.99	42.889	64.909	32.455	10.435
57. Tangail Central West ..	22.55	77.45	38.725	38.725	42.5975	65.1475	32.5738	10.0238
58. South-west Tangail	22.73	77.27	38.635	38.635	42.2985	65.2285	32.6143	9.8843
59. East Tangail	22.9	77.91	38.96	38.95	42.856	65.756	32.879	9.979
60. Central South Kishore ..	22.69	77.31	38.66	38.65	42.525	65.215	32.608	9.918
61. East Neetro Kona	22.59	77.41	38.76	38.65	42.635	65.225	32.613	10.923
62. West Dacca Saddar	22.69	77.31	38.66	38.65	42.525	65.215	32.608	9.918
63. South Narayain Ganj ..	22.23	77.73	38.87	38.86	42.756	64.986	32.494	10.264

Constituency	Percentage of non-Muslim population	Percentage of Muslim population	Percentage of Muslim Male voters	Percentage of Muslim Female voters	Percentage of likely total actual Muslim votes	Percentage of total actual votes	Percentage of votes required to give victory to non-Muslims	Percentage of Muslim votes required by non-Muslim to gain victory
1	2	3	4	5	6	7	8	9
64. North-west Naogaon ..	22.92	77.08	38.54	38.54	42.394	65.314	32.658	9.738
65. South-west Peerojpur ..	22.1	77.99	39	38.99	42.899	64.999	33	10.9
66. Central North-west Chittagong Saddar.	22.7	77.93	38.97	38.96	42.867	65.567	32.784	10.084
67. South-east Faridpur Saddar ..	21.58	78.42	39.21	39.21	43.131	64.711	32.856	10.776
68. Central Rangpur Saddar ..	21.85	78.15	39.07	39.07	42.988	64.838	32.42	10.57
69. South-east Chittagong Saddar ..	21.66	78.34	39.17	39.17	43.087	64.77	32.374	10.714
70. North Jamalpur	21.86	78.14	39.08	39.07	42.977	64.887	32.419	10.558
71. North Manak Ganj ..	21.92	78.08	39.04	39.04	42.944	64.864	32.433	10.513
72. North-west Dacca Saddar ..	21.72	78.28	39.14	39.14	43.054	64.774	32.388	10.668
73. South-west Munshi Ganj ..	21.13	78.87	39.44	39.43	43.383	64.513	32.257	11.127
74. North-west Raj Ganj ..	21.85	78.15	39.08	39.07	42.988	64.833	32.42	10.57
75. South Rajshahi Saddar ..	21.43	78.57	39.29	39.28	43.219	64.649	32.325	10.895
76. Central Baqar Ganj, Saddar ..	21.7	78.93	39.465	39.465	43.4115	65.115	32.5558	10.8558

1		2	3	4	5	6	7	8	9
77.	North Nawab Ganj	21.7	78.93	39.465	39.465	43.4115	65.115	32.5558	10.8558
78.	Central West Brahaman Baria ..	21	79	39.5	39.5	43.45	64.45	32.23	11.23
79.	East Teera Saddar	21.9	78.91	39.455	39.455	43.4005	65.3005	32.6503	10.7503
80.	North-east Noakhali Saddar ..	21.9	78.91	39.455	39.455	43.4005	65.3005	32.6503	10.7503
81.	South-east Bagerhat	20.44	79.66	39.83	39.83	43.813	64.253	32.127	11.687
82.	South Faridpur Saddar ..	20.09	79.91	39.955	39.955	43.9505	64.0405	32.0203	11.9303
83.	South-east Pabna	20.88	79.12	39.56	39.56	43.516	64.396	32.199	11.319
84.	South Talphamaria	20	80	40	40	44	64	32.1	12.1
85.	East Faridpur Saddar ..	20.03	79.97	39.985	39.985	43.9835	64.2835	32.1488	11.8418
86.	South-east Munshi Ganj ..	20.6	79.94	39.97	39.97	43.967	64.567	32.284	11.684
87.	South-east Baqir Ganj Saddar ..	20.6	79.94	39.97	39.97	43.967	64.667	32.284	11.684
88.	Chittagong Saddar	20.5	79.95	39.975	39.975	43.9725	64.4725	32.2363	11.7363

APPENDIX II

(Four Schedules pertaining to "TILTING THE BALANCE" Argument in Chapter V: For Joint Electorate page 226)

SCHEDULE I

Statement showing the community-wise population of different constituencies delimited on the basis of Joint Electorate

Serial No.	Name of Constituency	Total population	Muslims	Caste Hindus
	Rajshahi Division—Denajpur District			
1	Thakurgaon North ..	1,34,544	1,00,821	1,069
2	Thakurgaon Centre ..	1,32,000	64,861	3,003
3	Thakur gaon West ..	1,27,678	85,112	3,440
4	Thakurgaon South ..	1,48,363	85,510	3,552
5	Denajpur Sadar North ..	1,37,580	64,678	3,351
6	Denajpur Sadar West ..	1,28,757	64,621	2,315
7	Denajpur Sadar Central ..	1,46,304	99,647	7,186
8	Denajpur Sadar East ..	1,30,263	1,08,570	2,171
9	Denajpur Sadar South ..	1,29,638	89,702	2,974
10	Denajpur Sadar South-East ..	1,39,305	1,11,385	3,594
	Rangpur District			
11	Nilphamari North ..	1,43,666	91,751	2,717
12	Nilphamari West ..	1,40,817	91,495	1,722
13	Nilphamari East ..	1,42,600	1,04,555	1,051
14	Nilphamari South ..	1,41,077	1,26,239	2,201
15	Rangpur Sadar North ..	1,42,830	89,200	3,928
16	Rangpur Sadar North-East ..	1,51,755	1,07,846	2,493
17	Rangpur Sadar West ..	1,43,624	1,16,942	2,581
18	Rangpur Sadar Central ..	1,47,755	1,15,464	4,931

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
19	Rangpur Sadar South-East	..	1,39,424	1,12,819	2,591
20	Rangpur Sadar South	..	1,63,668	1,38,650	3,601
21	Gaibandha North-West	..	1,36,549	1,15,487	5,708
22	Gaibandha North	..	1,31,016	1,08,642	2,941
23	Gaibandha East	..	1,25,893	1,03,360	4,894
24	Gaibandha Central	..	1,36,126	1,17,744	4,811
25	Gaibandha South-West	..	1,29,480	1,14,221	2,252
26	Gaibandha South-East	..	1,25,824	1,10,152	2,858
27	Kurigram South-East	..	1,41,528	1,28,826	1,180
28	Kurigram Central	..	1,46,598	1,22,723	352
29	Kurigram North-West	..	1,35,625	97,970	2,646
30	Kurigram North-East	..	1,35,339	1,09,621	5,489
31	Kurigram North	..	1,41,496	1,22,413	2,166
	Bogra District				
32	Bogra North-West	..	1,46,480	1,06,666	6,601
33	Bogra North	..	1,44,077	1,32,361	3,412
34	Bogra South	..	1,68,121	1,23,460	2,996
35	Bogra South-West	..	1,34,301	1,13,407	664
36	Bogra South	..	1,38,723	1,18,313	1,402
37	Bogra South-East	..	1,36,941	1,21,028	3,892
38	Bogra East	..	1,82,698	1,70,392	2,281
39	Bogra North-East	..	97,513	86,961	2,124
40	Bogra Central	..	1,59,331	1,42,644	515
	Rajshahi District				
41	Nawabganj West	..	1,41,185	1,25,521	3,648
42	Nawabganj North	..	1,40,414	1,09,833	5,444
43	Nawabganj South	..	1,32,604	1,16,215	419
44	Naogaon North-West	..	1,36,038	1,02,766	2,282
45	Naogaon North	..	1,35,858	95,664	7,142

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
46	Naogaon Central	..	1,32,683	93,881	9,478
47	Naogaon South	..	1,44,463	1,17,567	6,867
48	Naogaon North-East	..	1,37,543	1,16,617	5,941
49	Naogaon South-East	..	1,23,547	1,02,194	6,546
50	Rajshahi Sadar Central	..	1,34,356	86,832	5,259
51	Rajshahi Sadar Central	..	1,36,419	1,23,071	4,020
52	Rajshahi Sadar South	..	1,35,521	1,06,474	9,491
53	Rajshahi Sadar North	..	1,44,939	1,29,365	4,898
54	Rajshahi Sadar South-East	..	1,46,347	1,21,493	7,317
55	Natore North	..	1,46,789	1,10,686	10,357
56	Natore South	..	1,36,451	1,13,403	5,216
	Pabna District				
57	Serajganj North	..	1,36,757	1,29,697	1,644
58	Serajganj Central	..	1,37,310	1,14,124	7,634
59	Serajganj North-West	..	1,46,611	1,14,576	7,210
60	Serajganj West	..	1,42,508	1,19,685	5,337
61	Serajganj East	..	1,51,301	1,21,218	7,656
62	Serajganj South	..	1,44,064	1,19,624	6,855
63	Pabna Sadar East	..	1,57,504	1,29,204	7,761
64	Pabna Sadar South-East	..	1,46,148	1,17,197	8,424
65	Pabna Sadar North	..	1,43,158	1,18,149	5,088
66	Pabna Sadar West	..	1,40,997	1,30,390	2,658
67	Pabna Sadar South	..	1,32,945	1,11,772	9,141
	Kushtia District				
68	Kushtia West	..	1,53,148	1,45,974	1,001
69	Kushtia North-West	..	1,41,730	1,39,201	1,141
70	Kushtia Central East	..	1,45,439	1,32,916	4,769
71	Kushtia East	..	1,53,975	1,25,447	9,758
72	Kushtia Central West	..	1,46,216	1,31,488	3,968
73	Kushtia South	..	1,43,649	1,34,406	1,734

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
	Jessore District				
74	Jhenidah Central	..	1,42,004	1,06,766	8,209
75	Jhenidah North	..	1,41,865	1,02,199	6,999
76	Jhenidah South	..	1,42,638	1,12,990	7,076
77	Jessore Sadar West	..	1,51,803	1,26,995	4,532
78	Jessore Sadar South	..	1,45,712	1,08,987	10,452
79	Jessore Sadar South-East	..	1,43,729	75,022	10,539
80	Jessore Sadar Central	..	1,43,620	1,13,432	10,001
81	Narail Central	..	1,38,481	68,872	9,720
82	Narail South-East	..	1,35,219	80,620	13,216
83	Narail East	..	1,38,819	99,529	7,518
84	Magura South	..	1,38,179	93,571	7,260
85	Magura North	..	1,40,952	83,685	10,271
	Khulna District				
86	Satkhira North-West	..	1,65,770	1,15,663	11,535
87	Satkhira North-East	..	1,37,734	78,075	16,016
88	Satkhira East	..	1,36,885	67,186	9,053
89	Satkhira West	..	1,38,805	78,941	1,406
90	Satkhira South	..	1,45,510	85,198	5,643
91	Khulna Sadar South-West	..	1,32,374	71,956	4,474
92	Khulna Sadar South-East	..	1,33,036	35,238	3,835
93	Khulna Sadar South	..	1,48,907	58,716	6,490
94	Khulna Sadar North	..	1,37,240	72,317	11,140
95	Khulna Sadar North-East	..	1,31,914	78,534	10,725
96	Bagerhat North	..	1,32,604	71,872	2,770
97	Bagerhat Central	..	1,30,418	65,728	22,428
98	Bagerhat East	..	1,39,260	82,095	10,274
99	Bagerhat South-East	..	1,33,484	1,06,187	1,319
100	Bagerhat South	..	1,29,461	62,955	5,273

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
	Dacca Division—Bakaaganj District				
101	Bakarganj Sadar North-West	..	1,27,543	66,042	9,016
102	Bakarganj Sadar West	..	1,28,416	78,560	2,429
103	Bakarganj Sadar North	..	1,46,358	1,33,366	2,170
104	Bakarganj Sadar North-East	..	1,36,234	1,27,360	1,903
105	Bakarganj Sadar Central North	..	1,25,086	1,08,705	3,018
106	Bakarganj Sadar Central	..	1,29,984	1,01,616	8,806
107	Bakarganj Sadar South-East	..	1,26,371	1,06,358	7,913
108	Bakarganj Sadar South	..	1,37,377	1,10,102	6,772
109	Bakarganj Sadar South-East	..	1,34,780	1,14,445	4,717
110	Bakarganj Sadar Central-West	..	1,31,982	86,342	7,611
111	Perojpur North-West	..	1,42,829	71,247	3,839
112	Perojpur North-East	..	1,42,692	84,853	5,256
113	Perojpur West	..	1,48,751	96,503	10,536
114	Perojpur East	..	1,49,338	1,15,967	5,418
115	Perojpur South-West	..	1,40,757	1,15,639	3,375
116	Perojpur South	..	1,43,000	1,15,491	1,103
117	Patuakhali South-West	..	1,47,479	1,32,670	2,911
118	Patuakhali West	..	1,41,411	1,24,820	2,907
119	Patuakhali South	..	1,29,553	1,02,608	503
120	Patuakhali South-East	..	1,66,656	1,50,587	3,805
121	Patuakhali North	..	1,45,901	1,24,871	6,140
122	Patuakhali East	..	1,48,054	1,26,328	4,898
123	Bhola North-West	..	1,38,059	1,26,751	2,908
124	Bhola North-East	..	1,44,913	1,29,932	4,836
125	Bhola South-East	..	1,43,052	1,27,922	4,856
126	Bhola South	..	1,45,309	1,22,784	7,862
127	Gealundo North-West	..	1,36,829	1,04,502	9,114
128	Gealundo South	..	1,37,772	87,113	10,645
129	Faridpur Sadar West	..	1,42,627	93,348	11,221
130	Faidpur Sadar South	..	1,34,670	1,06,350	5,903

Serial No.	Name of Constituency	Total population	Muslims	Caste Hindus
131	Faridpur Sadar North ..	1,32,571	96,285	8,790
132	Faridpur Sadar North-East ..	92,557	69,305	1,226
133	Faridpur Sadar East ..	1,39,395	1,14,257	2,914
134	Faridpur Sadar South-East ..	1,30,463	1,02,306	7,023
135	Madaripur North-West ..	1,34,455	1,13,292	5,111
136	Madaripur North ..	1,24,211	1,17,559	1,221
137	Madaripur North-East ..	1,41,437	1,21,949	5,901
138	Madaripur East ..	1,37,746	1,29,816	1,323
139	Madaripur South-East ..	1,25,847	1,04,671	4,862
140	Madaripur South ..	1,31,051	96,223	4,736
141	Madaripur Central ..	1,34,793	1,11,240	957
142	Madaripur South-Wast ..	1,30,701	43,943	5,392
143	Gopalganj East ..	1,33,526	57,143	6,901
144	Gopalganj North ..	1,43,427	72,872	6,736
145	Gopalganj West ..	1,49,535	70,647	3,499
146	Gopalganj South-West ..	1,29,828	67,270	4,098
	Dacca District			
147	Manikganj North ..	1,44,423	1,12,817	9,387
148	Manikganj West ..	1,36,031	91,756	13,081
149	Manikganj Central ..	1,45,156	1,06,463	13,023
150	Manikganj East ..	1,46,242	1,16,285	5,491
151	Dacca Sadar South-West ..	1,45,290	1,11,695	12,748
152	Dacca Sadar Central South-West	1,52,664	80,832	11,411
153	Dacca Sadar South ..	1,32,097	97,507	4,279
154	Dacca City East ..	1,44,390	..	..
155	Dacca City West ..	1,28,890	..	..
156	Dacca Sadar West ..	1,44,941	1,03,754	10,073
157	Dacca Sadar North-West ..	1,35,482	87,861	9,794
158	Dacca Sadar North ..	1,35,939	1,17,320	3,153
159	Dacca Sadar North-East ..	1,40,869	1,22,757	4,205
160	Dacca Sadar Central North ..	1,42,880	1,01,294	7,365

Serial No.	Name of Constituency	Total population	Muslims	Caste Hindus
161	Dacca Sadar East ..	1,37,044	1,06,357	3,595
162	Narayanganj North ..	1,43,008	1,29,307	4,349
163	Narayanganj Central North ..	1,43,419	1,21,836	7,492
164	Narayanganj North-East ..	1,28,581	1,10,933	3,477
165	Narayanganj East ..	1,27,940	1,20,794	4,323
166	Narayanganj Central East ..	1,32,969	1,11,865	6,761
167	Narayanganj West ..	1,49,412	1,06,397	7,045
168	Narayanganj South-East ..	1,51,622	1,33,187	5,216
169	Narayanganj South ..	1,48,413	1,15,526	9,531
170	Narayanganj South-West ..	1,44,313	1,22,704	5,867
171	Munshiganj East ..	1,15,554	1,07,391	1,125
172	Munshiganj South-East ..	1,49,181	1,00,670	11,272
173	Munshiganj South ..	1,19,730	1,05,117	6,991
174	Munshiganj South-West ..	1,37,936	11,11,300	6,513
175	Munshiganj North-West ..	1,43,829	87,147	13,111
	Mymensingh District			
176	Jamalpur North-West ..	1,39,049	1,33,346	1,556
177	Jamalpur North ..	1,51,512	1,28,762	1,499
178	Jamalpur North-East ..	1,46,067	1,24,230	1,935
179	Jamalpur Central ..	1,47,634	1,34,486	3,422
180	Jamalpur West ..	1,37,854	1,31,970	197
181	Jamalpur South-West ..	1,42,438	1,35,233	2,116
182	Jamalpur South-East ..	1,77,617	1,64,306	4,032
183	Jamalpur South ..	1,04,524	95,141	2,796
184	Tangail North-West ..	1,40,980	1,22,373	6,768
185	Tangail North ..	1,43,380	1,23,100	6,362
186	Tangail West ..	1,38,226	1,12,893	9,292
187	Tangail East ..	1,41,183	1,16,400	8,852
188	Tangail Central East ..	1,44,268	1,12,216	7,536
189	Tangail Central ..	1,49,828	1,14,152	11,710

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
190	Tangail South-East	..	1,44,273	1,04,511	10,411
191	Tangail South	..	1,41,754	1,09,538	8,210
192	Tangail-*cum*-Sadar	..	1,46,940	1,26,391	5,289
193	Mymensingh Sadar South	..	1,40,624	1,23,515	2,655
194	Mymensingh Sadar South	..	1,34,455	1,11,841	3,728
195	Mymensingh Sadar South-East	..	1,53,506	1,41,896	3,413
196	Mymensingh Sadar Central	..	1,47,170	1,31,431	4,402
197	Mymensingh Sadar Central	..	1,57,806	1,32,194	5,327
198	Mymensingh Sadar North-West	..	1,34,517	1,16,889	5,820
199	Mymensingh Sadar North	..	1,35,776	92,458	4,994
200	Mymensingh Sadar North-East	..	1,35,803	1,17,801	4,310
201	Mymensingh Sadar East	..	1,38,730	1,19,013	5,448
202	Mymensingh Sadar Central East	..	1,56,173	13,747	5,762
203	Kishoreganj North-West	..	1,50,119	1,22,160	9,019
204	Kishoreganj West	..	1,44,731	1,32,371	3,620
205	Kishoreganj South-West	..	1,28,664	1,10,480	5,910
206	Kishoreganj Central South	..	1,39,432	1,09,722	7,746
207	Kishoreganj South	..	1,28,820	1,10,836	3,212
208	Kishoreganj South-East	..	1,33,934	97,230	5,829
209	Kishoreganj Central	..	1,26,547	1,08,853	4,793
210	Kishoreganj North-East	..	1,34,993	92,113	8,560
211	Netrokona South-West	..	1,38,864	1,23,119	5,613
212	Netrokona South-East	..	1,37,565	88,791	12,210
213	Netrokona East	..	1,40,802	1,09,080	10,496
214	Netrokona North-East	..	1,38,356	87,806	13,441
215	Netrokona North	..	1,36,572	84,476	5,397
216	Netrokona North-West	..	1,26,738	1,02,713	6,693
217	Sunamganj North-West	..	1,42,180	90,087	1,638
218	Sunamganj South-West	..	1,37,097	70,422	20,513
219	Sunamganj North	..	1,41,857	99,456	12,852
220	Sunamganj South	..	1,33,024	98,247	11,924
221	Sunamganj North-East	..	1,34,389	1,11,397	7,640

Serial No.	Name of Constituency		Total population	Muslims	Caste Hindus
222	North Sylhet West	..	1,27,194	1,06,326	7,627
223	North Sylhet North	..	1,37,766	1,17,647	3,213
224	North Sylhet North-East	..	1,30,010	97,236	5,681
225	North Sylhet East	..	1,39,831	1,16,875	7,700
226	North Sylhet South	..	1,44,546	1,13,714	7,465
227	North Sylhet North-West	..	1,36,527	1,01,584	13,164
228	North Sylhet South-West	..	1,53,776	1,32,994	7,356
229	South Sylhet North-East	..	1,46,958	87,584	13,537
230	South Sylhet East	..	1,39,759	71,931	17,372
231	South Sylhet North-West	..	1,38,198	83,093	16,431
232	South Sylhet South	..	1.33,414	70,801	12,890
	Serial Numbers from 233 *to* 238 *left out.*				
239	Brahmanbaria North	..	1,35,298	88,434	11,583
240	Brahmanbaria Central-West	..	1,34,306	1,02,144	10,049
241	Brahmanbaria Central	..	1,20.539	89,040	10,210
242	Brahmanbaria East	..	1,35,132	93,579	11,374
243	Brahmanbaria South-East	..	1,37,595	93,406	16,211
244	Brahmanbaria West	..	1,38,282	95,378	1,018
245	Brahmanbaria South-West	..	1,50,883	1,25,201	8,111
246	Tippera Sadar North-West	..	1,45,902	1,24,823	7,675
247	Tippera Sadar West	..	1,36,480	1,22,003	3,916
248	Tippera Sadar South-West	..	1,37,278	1,16,073	6,738
249	Tippera Sadar North	..	1,35,040	1,04,640	12,355
250	Tippera Sadar Central-West	..	1,46,545	1,21,478	8.490
251	Tippera Sadar Central	..	1,55,974	1,30,311	9,221
252	Tippera Sadar Central South-West		1,38,484	1,13,945	7,278
253	Tippera Sadar North-East	..	1,49,585	1,25,381	9,301
254	Tippera Sadar East	..	1,45,322	1,13,407	12,730
255	Tippera Sadar Central-East	..	1,40,781	1,19,158	8,726
256	Tippera Sadar South-East	..	1,39,843	1,21,181	6,783
257	Tippera Sadar Central-South	..	1,36,123	1,18,201	5,805
258	Tippera Sadar South	..	1,33,911	1,16,423	7,113
259	Chandpur South-East	..	1,40,850	1,17,315	9,249

Serial No.	Name of Constituency		Total populption	Muslims	Caste Hindus
260	Chandpur East	..	1,35,216	1,15,421	5,579
261	Chandpur North	..	1,38,550	1,14,677	6,453
262	Chandpur North-West	..	1,36,362	1,20,876	247
263	Chandpur West	..	1,38,500	1,12,713	994
264	Chandpur South-West	..	1,40,585	1,12,762	4,388
265	Chandpur South	..	1,41,131	1,25,528	5,122
	Noakhali District				
266	Noakhali Sadar North-West	..	1,30,761	1,19,674	3,262
267	Noakhali Sadar Central North-West		1,50,719	1,29,038	8,991
268	Noakhali Sadar Central South-West		1,42,142	1,21,697	5,113
269	Noakhali Sadar South-West	..	1,41,920	1,28,097	1,211
270	Noakhali Sadar North	..	1,50,480	1,29,660	8,043
271	Noakhali Sadar Central North	..	1,42,825	1,12,625	1,251
272	Noakhali Sadar Central West	..	1,44,482	1,32,652	4,259
273	Noakhali Sadar South	..	1,27,252	1,06,573	785
274	Noakhali Sadar Central	..	1,40,135	1,21,166	6,968
275	Noakhali Sadar North-East	..	1,36,368	1,17,681	6,863
276	Noakhali Sadar East	..	1,40,954	1,19,930	6,993
277	Feni West	..	1,41,521	1,20,006	7,981
278	Feni South	..	1,37,160	1,10,678	10,387
279	Feni East	..	1,23,596	1,04,186	8,570
280	Feni North	..	1,35,980	87,867	21,973
	Chittagong District				
281	Chittagong Sadar West	..	1,42,380	1,16,973	6,144
282	Chittagong Sadar North-West	..	1,35,588	98,938	14,698
283	Chittagong Sadar Central North-West		1,25,913	97,564	9,176
284	Chittagong Sadar Central West	..	1,27,165	1,08,269	6,020
285	Chittagong Sadar	..	1,43,264	1,13,766	9,251
286	Chittagong Sadar Central	..	1,37,873	94,812	16,580
287	Chittagong Sadar Central North	..	1,42,073	1,14,789	10,130

Serial No.	Name of Constituency	Total populption	Muslims	Caste Hindu
288	Chittagong Sadar North-East ..	1,38,394	1,08,889	878
289	Chittagong Sadar Central North-East	1,32,614	76,888	16,954
290	Chittagong Sadar East ..	1,44,495	94,250	17,152
291	Chittagong Sadar Central South West	1,36,677	1,07,065	11,103
292	Chittagong Sadar Central South-East ..	1,48,330	97,091	19,592
293	Chittagong Sadar Central South ..	1,41,808	1,02,036	15,651
294	Chittagong Sadar South-East ..	1,45,574	1,23,281	8,471
295	Chittagong Sadar South-West ..	1,36,096	1,16,610	7,450
296	Cox's Bazar North ..	1,35,368	1,23,441	2,512
297	Cox's Bazar Central ..	1,42,980	1,23,158	5,593
298	Cox's Bazar South ..	1,37,751	1,22,152	1,649
	Chittagong Hill Tracts			
299	Chittagong Hill Tracts North ..	1,38,039	3,876	13,689
300	Chittagong Hill Tracts South ..	1,49,235	14,194	3,438

SCHEDULE II

Statement showing population and present number of members of District Boards, and the numbers since refixed in abolition of nomination etc.

District Board	Population (in lakhs) according to 1951 census + 5% probable increase	PRESENT NO.				Since refixed in view of abolition of nomination and reservation in the terms of 1 seat for one lakh of population subject to a minimum of 12 and a maximum of 50
		Elected		Appointed	Total	
		General	Reserved			
Tippera ..	38	38	7 (H)	13	51	38
Noakhali ..	24	24	5 (H)	8	32	24
Chittagong ..	22	26	6 (H)	8	34	22
Mymensingh ..	58	53	9 (H)	17	70	50
Dacca ..	39	40	12 (H)	13	53	39
Faridpur ..	28	36	..	12	48	28
Bakarganj ..	37	40	10 (H)	13	53	37
Rangpur ..	30	37	7 (H)	12	49	30
Dinajpur ..	14	21	..	7	28	14
Bogra ..	13	18	2 (H)	6	24	13
Rajshahi ..	22	33	6 (H)	11	44	22
Pabna ..	16	24	4 (H)	8	32	16
Kushtia ..	9	12	1 (H)	4	16	12
Jessore ..	18	30	9 (H)	10	40	18
Khulna ..	21	30	..	10	40	21
			78 (H)			

Note: H stands for Hindu.

SCHEDULE III

Local Boards (in Sylhet District only)

District Board	Population (in lakh) according to 1951 census + 5% probable increase	Present No. — Elected		Present No. — Appointed	Present No. — Total	Since refixed in view of abolition of nomination and reservation in the terms of 1 seat for one lakh of population subject to min. of 12 and max. of 50.
North Sylhet Local Board.	9	Muslims .. Non-Muslims Planting ..	25 11 4 — 40 —	3	43	Both nomination and reservation have been abolished in Local Boards, also. It has also been decided to abolish Local Boards and to replace them by one District Board. In that case on the basis of present population of the District the proposed District Board will get 31 seats.
South Sylhet Local Board.	6.5	Muslim .. Non-Muslims Planting ..	12 11 6 — 29 —	7	36	
Habibganj Local Board.	8	Muslims .. Non-Muslims Planting ..	19 10 4 — 33 —	2	35	
Sunamganj Local Board.	7.5	Muslims .. Non-Muslims	18 10 — 28 —	2	30	

SCHEDULE IV

Statement showing population, present number of Commissioners and also the number now proposed on population basis.

Class	Town	Population (in 1000)	Present No. of Commissioners: General	Reserved	Appointed	Total	No. now proposed on population basis
1	2	3	4	5	6	7	8
I. Towns with population above 50,000.	Dacca ..	273	20	2 (Hindus)	5	27	30
	Chittagong ..	114	17	Nil	4	21	21
	Barisal ..	89	18	Nil	6	24	18
	Narayanganj ..	68	14	Nil	6	20	16
II. Towns with population of between 50,000 and 40,000.	Comilla ..	47	10	4 (Hindus)	4	18	14
	Mymensingh ..	45	16	4 (Muslims)	5	21	14
	Khulna ..	41	8	4 (Hindus)	3	15	14
	Rajbari ..	40	11	5 („)	5	21	14
III. Towns with populption below 40,000 but above 30,000.	Serajganj ..	38	11	3 (Hindus)	4	18	12
	Brahmanbaria ..	38	12	Nil	3	15	12
	Dinajpur ..	34	11	5 (Hindus)	5	21	12
	Sylhet ..	33	16	Nil	4	20	12
	Pabna ..	32	11	7 (Hindus)	6	24	12
	Chandpur ..	32	15	Nil	4	19	12
	Rangpur ..	31	10	4 (Hindus)	4	18	12
IV. Towns with population of 30,000 but above 20,000.	Jamalpur ..	27	11	1 (Hindu)	3	15	10
	Faridpur ..	25	14	Nil	4	18	10
	Bogra ..	25	13	5 (Hindus)	6	24	10
	Jessore ..	24	10	4 („)	4	18	10
	Nawabganj ..	23	7	2 („)	3	12	10
	Tangail ..	22	12	Nil	3	15	10
	Kushtia ..	21	9	3 (Hindus)	3	15	10
	Madaripur ..	21	14	Nil	4	18	10
V. Towns with population of 20,000 and below.	Sherpur (Mymensingh). ..	19	10	Nil	3	13	9
	Kishoreganj ..	19	12	Nil	3	15	9
	Noakhali ..	17	9	Nil	3	12	9

Class	Town	Population (in 1000)	Present No. of Commissioners: General	Reserved	Appointed	Total	No. now proposed on population basis
1	2	3	4	5	6	7	8
(Continued from previous page.)	Satkhera ..	15	6	3 (Hindus)	3	12	9
	Gaibandha ..	14	9	Nil	3	12	9
	Netrokona ..	13	9	Nil	3	12	9
	Bajitpur ..	13	10	Nil	3	13	9
	Habibganj ..	11	13	Nil	3	16	10
	Rajbari ..	11	9	Nil	3	12	9
	Jhalakati ..	10	8	4 (Muslims)	3	15	9
	Perojpur ..	10	12	Nil	3	15	9
	Natore ..	10	8	6 (Muslims)	4	18	9
	Patuakhali ..	10	7	Nil	2	9	9
	Sunamganj ..	8	10	Nil	2	12	10
	Maherpur ..	7	6	1 (Hindu)	2	9	9
	Muktagacha ..	7	7	Nil	2	9	9
	Moulvibazar ..	7	10	Nil	2	12	10
	Kotchandpur ..	6	7	Nil	2	9	9
	Gouripur ..	6	7	Nil	2	9	9
	Bhola ..	6	7	2 (Hindus)	3	12	9
	Cox's Bazar ..	6	8	3 (Budhist) 1 (Hindu)	3	15	9
	Sherpur (Bogra)	4	7	2 (Muslims)	3	12	9
	Kumarkhali	4	12	Nil	3	15	9
	Sreemangal-Town Committee.	3	4	Nil	2	6	6
	Nalchiti ..	2	7	Nil	2	9	9
	Total ..	..	504	Hindhu 56 Muslims 16 Budhist 3 — 75	165	744	..

APPENDIX III

Foundations of Islamic State

Some Extracts from the Report of the Court of Inquiry, Punjab Disturbances 1953 (*From page* 203 *to* 232).

What is then the Islamic State of which everybody talks but nobody thinks? Before we approach the answer to this question, we must have a clear conception of the scope and function of the State.

The ulema were divided in their opinions when they were asked to cite some precedent of an Islamic State in Muslim history........

Throughout the three thousand years over which political thought extends, and such thought in its early stages cannot be separated from religion, two questions have invariably presented themselves for consideration:—

(1) what are the precise functions of the State? and
(2) who shall control the State?

If the true scope of the activities of the State is the welfare, temporal or spiritual, or both, then the first question directly gives rise to the bigger question: what is the object of human life and the ultimate destiny of Man? On this, widely divergent views have prevailed, not at different times, but at one and the same time. The pygmies of equatorial West Africa still believe that their god Komba has sent them into the forest, to hunt and dance and sing. The Epicureans meant very much the same when they said that the object of human life is to drink and eat and be merry, for death denies such pleasures. The utilitarians base their institutions on the assumption that the object of human life is to experience pleasant sensations of mind and body, irrespective of what is to come hereafter. The Stoics believed in curbing and reducing all physical desires, and Diogenes found a tub good enough to live in. German philosophers think that the individual lives for the State and that therefore the object of Life is the service of the State, in all that it might decide to undertake and achieve. Ancient Hindu philosophers believed in the logic of the fist with its natural consequence, the law of natural selection and

the struggle for survival. The Semitic theory of State, whether Jewish, Christian or Islamic, has always held that the object of human life is to prepare ourselves for the next life and that, therefore, prayer and good works are the only object of life. Greek philosophers beginning with Socrates thought that the object of human life was to engage in philosophical meditation, with a view to discovering the great truths that lie in nature, and that the business of the others is to feed the philosophers engaged in that undertaking.

Islam emphasises the doctrine that life in this world is not the only life given to Man, but that eternal life begins after the present existence comes to an end; and that the status of a human being in the next world will depend upon his beliefs and actions in this world. As the present life is not an end in itself, but merely a means to an end; not only the individual but also the State, as opposed to the secular theory which bases all political and economic institutions on a disregard of their consequences on the next life, should strive for human conduct which ensures for a person better status in the next world. According to this theory Islam is the religion which seeks to attain that object.

Therefore the question immediately arises: What is Islam and who is a Momin or a Muslim? We put this question to the ulema, and we shall presently refer to their answers to this question. But we cannot refrain from saying here that it was a matter of infinite regret to us that the ulema whose first duty should be to have settled views on this subject, were hopelessly disagreed among themselves.

Apart from how these learned divines have expressed themselves, we conceive of Islam as a system that covers, as every systematic religion must, the following five topics:—

(1) The Dogma (namely, the essentials of belief);
(2) the Cult (namely, religious rites and observances which a person must perform);
(3) Ethics (i.e. rules of moral conduct);
(4) institutions, social, economic and political; and
(5) Law.

The essential basis of the rules of all these subjects is Revelation and not Reason, though both may coincide. This coincidence, however, is accidental because human reasoning may be faulty and ultimate reason is known only to God, Who sends His Message to Humanity through His

Chosen Messengers for the direction and guidance of the people. One must, therefore, accept the Dogma, observe the Cult, follow the Ethics, obey the Law, and establish Institutions which God has revealed, though their reason may not be apparent—nay even if they be opposed to human reason.

Since an error by God is an impossibility, anything that God has revealed, whether its subject be something occult or preternatural, history, finance, law, worship or something which according to human thought admits of scientific treatment; as for instance, birth of man, evolution, cosmology, or astronomy, has got to be accepted as Absolute Truth. The test of reason is not the acid test, and a denial of this amounts to a denial of the Supreme Wisdom and Designs of Allah—It is "kufr".

Now God has revealed Himself from time to time to His favoured people, of whom our Holy Prophet was the last. That revelation is contained in the Qur'an and covers the five topics mentioned above. The true business of a person who believes in Islam is, therefore, to understand, believe in, and act upon that revelation.

The people whom God chooses as medium for the transmission of His messages are *Rasuls* (Messengers) or *Nabis* (prophets). Since every action or saying of a Prophet is, in the case of our own Holy Prophet it certainly was, prompted by Allah, it has the same degree of inerrancy as the formal revelation itself, because Prophets are *ma'sum*, incapable of doing or saying something which is opposed to Divine wishes. These sayings and actions are Sunna, having the same infallibility as the Qur'an. The record of this Sunna is Hadith, which is to be found in several books which were compiled by Muslim scholars after long, laborious and careful research extending over several generations.

The word Hadith means a record of actions or sayings of the Prophet and his companions. At first the *Suhaba*, i.e. people who had lived in the society of the Prophet, were the best authority for a knowledge of the Sunna. Later people had to be content with the communications of the *Tabi-un*, i.e. Successors, people of the first generation after the Holy Prophet who had received their information from the *Suhaba*, and, then, in the following generations with the accounts of the so-called "successors of the successors" (*Tabi-ul-Tabi-un*), i.e. people of the second generation after the Holy Prophet, who had concerted with the successors.

Marfu' is a tradition which contains a statement about the Prophet; *mawquf*, a tradition that refers only to the sayings or doings of the *suhbba*; and *maqtu'* a tradition which does not at most go further bpck than the first generation after the Holy Prophet and deals only with sayings or doings of Tabi'un. In some of the Ahadith the actual word of God is to be found. Such tradition is designated Hadith-i-Qudsi or Ilahi, as distinguished from an ordinary Hadith-i-Nabvi.

A very large portion of sayings ascribed to the Prophet deals with the ahkam (legal professions), religious obligations, halal and haram (what is allowed and forbidden), with ritual purity, laws regarding food and criminal and civil Law. Further they deal with Dogma, retribution at the Last Judgment, Hell and Paradise, Angels, Creation, Revelations, the earlier Prophets. Many traditions also contain edifying sayings and moral teachings by the Holy Prophet.

The importance of Ahadith was realised from the very beginning and they were not only committed to memory, but in some cases were reduced to writing. The work of the compilation of Hadith began in the third century after the Hijra, and the Sihah Sitta were all compiled in that century. These are the Musannifs of:—

(1) Al-Bukhari, died 256/870
(2) Muslim, died 261/875
(3) Abu Dawud, died 275/888
(4) Al-Tirmizi, died 279/892
(5) All Nasa'i, died 303/915, and
(6) Ibn-i-Maja, died 273/886.

According to modern Laws of Evidence, including our own, the Ahadith are inadmissible evidence of Sunna, because each of them contains several links of hearsay, but as authority on law they are admissible *proprio vigore*. The merit of these collections lies not so much in the fact that (as is often wrongly stated) their authors decided for the first time which of the numerous traditions in circulation were genuine and which false, but rather in the fact that they brought together everything that was recognised as genuine, in orthodox circles in those days.

The Shias judge Hadith from their own stand-point, and only consider such traditions reliable as are based on the authority of Ali and his

adherents. They have, therefore, their own works on the subject, and hold the following five works in particularly high esteem.

(1) Al-Kafi of Muhammad b. Yaqub Al-Kulini, died 328/939,

(2) Man La Yastahdiruhu'l Fakih of Muhammad b. Ali b. Babuya Al-Kummi, died 381/991,

(3) Tahdib Al-Ahkam' and

(4) Al-Istibsar Fi-Ma'Khatalafa Fihi'l-Akhbar (Extract from the preceding) of Muhammad Altusi, died 459/1067,

(5) Nahj Al-Balagha (alleged sayings of Ali) of Ali b. Tahir Al Sharif Al-Murtaza, died 436/1044 (or of his brother Radi Al-Din Al-Baghdadi).

After the Ritual, the Dogma and the most important political and social institutions had taken difinite shape in the second and third centuries, there arose a certain *communis opinio* regarding the reliability of most transmitters of tradition and the value of their statement. The main Principles of Doctrine had already been established, in the writings of Malik b. Anas, Al-Shafi'i and other scholars regarded as authoritative in different circles and mainly on the authority of traditional sayings of the Holy Prophet. In the long run no one dared to doubt the truth of these traditions, and this almost conclusive presumption of truth has since continued to be attached to the Ahadith compiled in the Sihah Sitta.

We have so far arrived at this result that any rule, on any subject, that may be derived from the Qur'an or the Sunna of the Holy Prophet, is binding on every Musalaman. But since the only evidence of Sunna is the Hadith, the words Sunna and Hadith have become mixed up with, and indistinguishable from each other, with the result that the expression "Qur'an and Hadith" is not infrequently employed where the intention is to refer to Qur'an and Sunna.

At this stage another principle, equally basic, comes into operation, and that is that Islam is the Final Religion revealed by God, complete and exhaustive in all respects; and that God will not abrogate, detract from, or add to this Religion (*Din*) any more than He will send a fresh messenger. The *Din* having been perfected (*Akmalto lakum dinokum*: *Sura V*, *verse* 3), there remains no need for any new Code, repealing, modifying,

or amplifying the original code; nor for any fresh Messenger or Message. In this sense, therefore, Prophethood ceased with the Holy Prophet and Relevation stopped for ever. This is the Doctrine of the cessation of *wahi-i-nubuwwat.*

If the proposition that Muslim Dogma, Ethics and Institutions, etc., are all based on the Doctrine of Inerrancy, whether such inerrancy lies in the Qur'an, the sunna, ijma, or ijtihad-i-mutluq, is fully comprehended, the various deductions that follow from it will be easily understandable. As the ultimate test of truth, whether the matter be one of a ritual, or political, or social, or economic nature, is Revelation; and Revelation has to be gathered from the Qur'an and the Sunna, it carries almost the same degree of inerrancy as Revelation. The only evidence of Sunna is Hadith. Hence the first duty of those who desire to establish an Islamic State will be to discover the precise rule applicable to the existing circumstances, whether that rule is to be found in the Qur'an or Hadith.

Obviously the persons most suited for the purpose would be those who have made the Qur'an and Hadith their life-long study, namely, among the Sunnies, the ulema; and among the Shias, the mujtahids, who are the spokesmen of the hidden Imam, the ruler *de jure divine.* The function of these divines would be to engage themselves in discovering rules applicable to particular situations, and they will be engaged in a task similar to that in which Greek Philosophers were engaged, with only this difference that whereas the latter thought that all truth lay in nature, which had merely to be discovered by individual effort, the ulama and the mujtahids will have to get at the truth that lies in the Holy Book, and the books of Hadith. The Ulema Board which was recommended by the Basic Principles Committee was a logical recognition of this principle, and the true objection against that Board should indeed have been that the Board was too inadequate a mechanism to implement the principle which had brought that body into existence.

Ijma' means concurrence of the mujtahids of the people, i.e. of those who have a right, in virtue of knowledge, to form a Judgment of their own, after the death of the Holy Prophet. The authority of ijma' rests on the principle of a Divine Protection against Error, and is founded on a basal tradition of the Holy Prophet; "My people will never agree in error"; reported in Ibn Maja. By this procedure, points which had been

in dispute were fixed, and when fixed, they became an essential part of the faith, and disbelief in them an act of unbelief (*kufr*). The essential point to remember about ijma' is that it represents the agreement of the mujtahids, and that the agreement of the masses is specifically excluded. Thus ijma' has not only fixed unsettled points, but has changed settled doctrines of the greatest importance.

The distinction between ijma' and ijtihad is, that whereas the former is collective, the latter is individual. Ijtihad means the exerting of one's self to the utmost degree, to form an opinion in a case, or as to a rule of law. This is done by applying analogy to the Qur'an and the Sunna. Ijtihad did not originally involve inerrancy, its result being always *zann* or fallible opinion. Only combined ijtihad led to ijma, and was inerrent. But this broad ijtihad soon passed into special ijtihad of those who had a peculiar right to form judgments. When later Doctors looked back to the founding of the four legal schools, they assigned to their founders an ijtihad of the first rank (ijtihad-i-mutlaq). But from time to time individuals appeared, who returned to the earliest meaning of ijtihad, and claimed for themselves the right to form their own opinion from first principles. One of these was the Hanbalite Ibn Ta'miya (died 728). Another was Suyuti (died 911) in whom the claim to ijtihad unites with the one to be the mujaddid or renewer of religion in his century. At every time there must exist at least one *mujahid*, was his contention, just as in every century there must come a *mujaddid*. In Shia Islam there are still absolute mujtahids, because they are regarded as the spokesmen of the Hidden Imam. Thus collective ijtihad leads to ijma', and the basis of ijma' is Divine Protection against error—inerrancy.

Essentials of Islamic State

Since the basis of Islamic law is the principle of inerrancy of revelation and of the Holy prophet, the law to be found in the Qur'an and the Sunna is above all man-made laws, and in case of conflict between the two, the latter, irrespective of its nature, must yield to the former. Thus, provided there be a rule in the Qur'an or the Sunna on a matter which according to our conceptions falls within the region of Constitutional Law, or International Law, the rule must be given effect to unless that rule itself permits a departure from it. Thus no distinction exists in Islamic law between Constitutional Law and other law, the whole law to be found in the Qur'an and the Sunna being a part of the law of the land for Muslim subjects of the State.

Similarly if there be a rule in the Qur'an or the Sunna relating to the State's relations with other States or to the relations of Muslim subjects of the State with other States, or the subjects of those States, the rule will have the same superiority of sanction as any other law to be found in the Qur'an and the Sunna. Therefore, if Pakistan is, or is intended to be converted into an Islamic State in the true sense of the word, its Constitution must contain the following five provisions:—

(1) that all laws to be found in the Qur'an or the Sunna shall be deemed to be a part of the law of the land for Muslims, and shall be enforced accordingly.

(2) that unless the Constitution itself is framed by ijma-i-ummat, namely, by the agreement of the ulema and mujtahids of acknowledged status, any provision in the Constitution which is repugnant to the Qur'an or Sunna shall to the extent of the repugnancy be void;

(3) that unless the existing laws of Pakistan are adapted by ijma'-i-ummat of the kind mentioned above, any privision in the existing law which is contrary to the Qur'an or Sunna shall to the extent of the repugnancy be void;

(4) that any provision in any future law which is repugnant to Qur'an or Sunna shall be void;

(5) that no rule of International Law and no provision in any convention, or treaty, to which Pakistan is a party and which is contrary to the Qur'an and the Sunna, shall be binding on any Muslim in Pakistan.

Sovereignty and Democracy in Islamic State

That the form of Government in Pakistan, if that form is to comply with the principles of Islam, will not be Democratic is conceded by the ulema. We have already explained the Doctrine of sovereignty of the Qur'an and the Sunna. The Objectives' Resolution rightly recognised this position when it recited that all sovereignty rests with God Almighty alone. But the authors of that Resolution misused the words 'Sovereign' and 'Democracy', when they recited that the Constitution to be framed

was for a sovereign State in which principles of democracy as enunciated by Islam shall be fully observed.

It may be that in the context in which they were used, these words could not be misunderstood by those who are well versed in Islamic Principles, but both these words were borrowed from western political philosophy, and in that sense they were both wrongly used in the Resolution. When it is said that a country is sovereign, the implication is that its people or any other group of persons in it are entitled to conduct the affairs of that country in any way they like, and untrammelled by any considerations except those of expediency and policy.

An Islamic State, however, cannot in this sense be sovereign, because it will not be competent to abrogate, repeal or do away with any law in the Qur'an or the Sunna. Absolute restriction on the legislative power of a State is a restriction on the sovereignty of the people of that State, and if the origin of this restriction lies elsewhere than in the will of the people, then to the extent of that restriction the sovereignty of the State and its people is necessarily taken away. In an Islamic State, sovereignty, in its essentially juristic sense, can only rest with Allah.

In the same way, Democracy means the rules of the *demos*, namely, the people, directly by them as in ancient Greece and Rome, or indirectly through the chosen representative, as in modern democracies. If the power of the people in the framing of the Constitution or in the framing of the laws, or in the sphere of executive action is subject to certain immutable rules, it cannot be said that they can pass any law that they like, or, in the exercise of executive functions, do whatever they like. Indeed, if the legislature in an Islamic State is a sort of Ijma', the masses are expressly disqualified from taking part in it, because ijma'-i-ummat in Islamic jurisprudence is restricted to ulema and mujtahids of acknowledged status, and does not at all extend, as in democracy, to the populace.

Other Incidents of Islamic State according to Ulema

In the preceding pages we have attempted to state as clearly as we could, the principles on which a religious State must be built, if it is to be called an Islamic State. We now proceed to state some incidents of such State, with particular reference to the ulema's conception of it.

Legislature and Legislation

Legislature in its present sense is unknown to the Islamic system. The religio-political system which is called *Din-i-Islam* is a complete system, which contains in itself the mechanism for discovering and applying law to any situation that may arise. During the Islamic Republic, there was no legislature in its modern sense, and for every situation or emergency that arose, law could be discovered and applied by the ulema. The law had been made and was not to be made, the only function of those entrusted with the administration of law being to discover the law for the purposes of the particular case, though when enunciated and applied it formed a precedent for others to follow. It is wholly incorrect, as has been suggested from certain quarters, that in a country like Pakistan, which consists of different communities, Muslim and non-Muslims, and where representation is allowed to non-Muslims with a right to vote on every subject that comes up; the legislature is a form of ijma' or ijtihad; the reason being that ijtihad is not collective but only individual; and though ijma' is collective, there is no place in it for those who are not experts in the knowledge of the law. This principle at once rules out the infidels (kuffar) whether they be people of Scriptures (ahl-i-Kitab) or idolators (mushrikeen).

Since Islam is a perfect religion containing laws, express or derivable by ijma' or ijtihad, governing the whole field of human activity; there is in it no sanction for what may, in the modern sense, be called legislation......

The question is one of some difficulty and great importance, because any institution of legislature will have to be reconciled with the claim put forward by Maulana Abul Hasanat and some other religious divines that Islam is a perfect and exhaustive Code wide enough to furnish an answer to any question that may arise relating to any human activity, and that it does not know of any "unoccupied field" to be be filled by fresh legislation. There is no doubt that Islam enjoins consultation, and that not only the Holy Prophet but also the first four Caliphs, and even their successors, resorted to consultation with the leading men of the time, who for their knowledge of the law and piety could well be relied upon.

In the Inquiry not much has been disclosed about the Majlis-i-Shura, except what is contained in Maulana Abul Ala Maudoodi's written statement which he supplied to the Court at its request.

That there was a body of men who were consulted is true, but whether this was a standing body and whether its advice had any legal or binding force, seems somewhat doubtful. These men were certainly not elected in the modern way, though their representative character cannot be disputed. Their advice was certainly asked *ad hoc*, but that they were competent to make law as the modern legislatures make laws is certainly not correct. The decisions taken by them undoubtedly served as precedents and were in the nature of ijma', which is not legislation but the application of an existing law to a particular case. When consulted in affairs of State, their functions were truly in the nature of an advice given by a modern cabinet, but such advice is not law but only a decision.

Nor can the legislature in a modern State correspond to ijma', because, as we have already pointed out, the legislature legislates, while the ulma of Majlis-i-Shura who were called upon to determine what should be the decision in a particular point which was not covered by the Qur'an and the Sunna, merely sought to discover and apply the law and not to promulgate the law, though the decision when taken, had to be taken not only for the purposes of the particular case, but for subsequent occasions, as a binding precedent.

An intriguing situation might arise if the Constitution Act provided that any provision of it, if it was inconsistent with the Qur'an or the Sunna, would be void, and the *intra vires of* a law made by the legislature were questioned before the Supreme Court on the ground that the institution of legislature itself was contrary to the Qur'an and the Sunna.

Position of non-Muslims

The ground on which the removal of Chaudhri Zafrullah Khan and other Ahmadis occupying key positions in the State is demanded is that the Ahmadis are non-Muslims, and that therefore like zimmies in an Islamic State they are not eligible for appointment to higher offices in the State. This aspect of the demands has directly raised a question about the position of non-Muslims in Pakistan, if we are to have an Islamic Constitution. According to the leading ulema the position of non-Muslims in the Islamic State of Pakistan will be that of zimmies, and they will not be full citizens of Pakistan, because they will not have the same rights as Muslims. They will have no voice in the making of the law, no right to administer the law, and no right to hold Public Offices..........

During the Islamic Republic, the head of the State, the Khalifa, was chosen by a system of election, which was wholly different from the present system of election, based on adult or any other form of popular suffrage. The oath of allegiance (*ba'it*) rendered to him, possessed a sacramental virtue, and on his being chosen by the consensus of the people (Ijma-ul-Ummat) he became the source of all channels of legitimate Government. He and he alone then was competent to rule, though he could delegate bis powers to deputies, and collect around a body of men of outstanding piety and learning, called Majlis-i-Shura or Ahl-i-Hall-i-Walaqd.

The principal feature of this system was that the kuffar, for reasons which are too obvious and need not be stated, could not be admitted to this majlis, and the power which had vested in the Khalifa could not be delegated to the kuffar.

The Khalifa was the real head of the State, all power vesting in him, and not a powerless individual like the President of a modern democratic State who is merely to sign the record of decisions taken by the Prime Minister and his Cabinet. He could not appoint non-Muslims to important posts, and could give them no place either in the interpretation or the administration of the law, the making of the law by them as already pointed out, being a legal impossibility.

This being the position, the State will have to devise some machinery by which the distinction between a Muslim and a non-Muslim may be determined and its consequences enforced. The question, therefore, whether a person is or is not a Muslim, will be of fundamental importance, and it was for this reason that we asked most of the leading ulema to give their definition of a Muslim; the point being that if the ulema of the various sects believed the Ahmadis to be kafirs, they must have been quite clear in their minds not only about the grounds of such belief but also about the definition of a Muslim, because the claim that a certain person or community is not within the pale of Islam, implies on the part of the claimant an exact conception of what a Muslim is.

The result of this part of the inquiry, however, has been anything but satisfactory, and if considerable confusion exists in the minds of our ulema on such a simple matter, one can easily imagine what the differences on more complicated matters will be............. This definition was asked

after it had been clearly explained to each witness that he was required to give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim and that the definition was to be on the principle on which a term in grammar is defined..........

Keeping in view the several definitions given by the ulema, need we make any comment, except that no two learned divines are agreed on this fundamental. If we attempt our own definition as each learned divine had done, and that definition differs from that given by all others, we unanimously go out of the fold of Islam. And if we adopt the definition, given by any one of the ulema, we remain Muslims according to the view of that "alim", but "kafirs", according to the definition of everyone else.

Apostasy

Apostasy in an Islamic State is punishable with death. On this the ulema are practically unanimous (vide the evidence of Maulana-Abul Hasanat Sayyed Muhammad Ahmad Qadri, President, Jami'at-ul-Ulema-i-Pakistan, Punjab; Maulana Ahmad Ali, Sadr Jami'at-ul-Ulema-i-Islam, West Pakistan; Maulana Abul Ala Maudoodi, founder and ex-Amir-i-Jamaat-i-Islami, Pakistan; Mufti Muhammad Idris, Jami'Ashrafia, Lahore; and Member, Jami'at-ul- Ulema-i-Pakistan; Maulana Daud Ghaznavi, President, Jami'at-ul-Ahl-i-Hadith, Maghribi Pakistan; Maulana Abdul Haleem Qasimi, Jamiat-ul-Ulema-i-Islam, Punjab; and Mr. Ibrahim Ali Chishti).

According to this doctrine, Chaudhri Zafrullah Khan, if he has not inherited his present religious beliefs, but has voluntarily elected to be an Ahmadi, must be put to death. And the same fate should befall Deobandis and Wahabis, including Maulana Muhammad Shafi Deobandi, Member, Board of Talimat-i-Islami attached to the Constituent Assembly of Pakistan, and Maulana Daud Ghaznavi; if Maulana Abul Hasanat Sayyed Muhammad Ahmad Qadri, or Mirza Raza Ahmad Khan Barelvi, or any one of the numerous ulema who are shown perched on every leaf of beautiful tree in the fatwa, Ex. D. E. 14, were the Head of such Islamic State. And if Maulana Muhammad Shafi Deobandi were the Head of the State, he would exclude those who have pronounced Deobandis as kafirs, from the pale of Islam, and inflict on them the death penalty if they come within the definition of *murtad*, namely, if theyhave changed and not in herited their religious views.

The genuineness of the fatwa, Ex. D. E. 13, by the Deobandis, which says that *Asna Ashari* Shias are kafirs and murtads, was questioned in the

course of enquiry, but Maulana Muhammad Shafi made an inquiry on the subject from Deoband, and received from the records of that institution the copy of a fatwa signed by all the teachers of the Darul Uloom, including Maulana Muhammad Shafi himself, which is to the effect that those who do not believe in the *suhabiyyat* of Hazrat Siddiq-e-Akbar and who are *qazif* of Hazrat Aisha Siddiqa, and have been guilty of *tehrif* of Qur'an, are kafirs.

This opinion is also supported by Mr. Ibrahim Ali Chishti who has studied and knows his subject. He thinks the Shias are kafirs, because they think that Hazrat Ali shared the prophethood with our Holy Prophet. He refused to answer the question: whether a person who being a Sunni, changes his views and agrees with the Shia view, would be guilty of *irtidad* so as to deserve the death penalty.

According to the Shias, all Sunnis are kafirs; and Ahl-i-Qur'an, namely persons who consider Hadith to be unreliable, and therefore not binding, are unanimously kafirs; and so are all independent thinkers. The net result of all this is that neither Shias nor Sunnis nor Deobandis, nor Ahl-i-Hadith, nor Barelvis, are Muslims, and any change from one view to the other must be accompanied in an Islamic State by the penalty of death, if the Government of the State is in the hands of the party which considers the other party to be kafirs. And it does not require much imagination to judge of the consequences of this doctrine, when it is remembered that no two ulema have agreed before us as to the definition of a "Muslim".

If the constituents of each of the definitions given by the ulema are given effect to, and subjected to the rule of "combination and permutation", and the form of charge in the Inquisition's sentence on Galileo is adopted *mutatis mutandi* as a model, the grounds on which a person may be indicted for apostasy will be too numerous to count.

In an earlier part of this report, we have referred to the proscription of the 'Ash-shahab', a pamphlet written by Maulana Shabbir Ahmad Usmani, who later became Sheikh-ul-Islami-Pakistan. In that pamphlet the Maulana had attempted to show from the Qur'an , the Sunna, the ijma' and qayas, that in Islam the punishment for apostasy (irtidad) is *simpliciter* death.

After propounding the theological doctrine, the Maulana had made in that document a statement of fact that in the time of the Caliph

Siddiq-i-Akbar and the subsequent Caliphs, vast areas of Arabia became repeatedly red with the blood of apostates.

We are not called upon to express any opinion as to the correctness or otherwise of this Doctrine, but knowing that the suggestion to the Punjab Government to proscribe this pamphlet had come from the Minister for the Interior, we have attempted to inquire of ourselves the reasons for Government's taking a step which *ex-hypothesi* amounted to condemning a doctrine which the Maulana had professed to derive from the Qur'an and the Sunna.

The death penalty for *irtidad* has implications of a far-reaching character, and stamps Islam as a religion of fanatics, which punishes all independent thinking. The Qur'an again and again lays emphasis on reason and thought, advises toleration and preaches against compulsion in religious matters, but the doctrine of *irtidad* as enunciated in this pamphlet strikes at the very root of independent thinking, when it propounds the view that anyone who, being born a Muslim or having embraced Islam, attempts to think on the subject of religion with a view, if he comes to that conclusion, to choose for himself any religion he likes, has the capital penalty in store for him. With this implication Islam becomes an embodiment of complete intellectual paralysis. And the statement in the pamphlet that vast areas of Arabia were repeatedly bespattered with human blood, if true, could only lend itself to this inference that even when Islam was at the height of its splendour, and held absolute sway in Arabia, there were in that country a large number of people who turned away from that religion, and preferred to die than to remain in that system. It must have been some such reaction of this pamphlet on the mind of the Minister for the Interior, which prompted him to advise the Punjab Government to proscribe the pamphlet. Further the Minister who was himself well-versed in religious matters must have thought that the conclusion drawn by the author of the pamphlet which was principally based on the precedent mentioned in paras: 26-27 and 28 of the Old Testament, and which is only partially referred to in the Qur'an in the 54th Verse of the Second Sura, could not be applicable to apostasy from Islam, and that, therefore, the author's opinion was in fact incorrect, there being no express text in the Qur'an for the death penalty for apostasy.

On the contrary each of the two ideas, one underlying the six brief verses of *Surat-ul-Kafiroon*, and the other the *La Ikrah* verse of the second

Sura, has merely to be understood to reject as erroneous, the view propounded in the 'Ash-Shahab'. Each of the verses in *Surat-ul-Kafiroon*, which contains thirty words and no verse of which exceeds six words, brings out a fundamental trait in man, ongrained in him since his creation; while the *La Ikrah* verse, the relevant portion of which contains only nine words, states the rule of responsibility of the Mind with a precision that cannot be surpassed. Both of these texts which are an early part of the Revelation, are, individually and collectively, the foundation of that Principle which Human Society, after centuries of conflict, hatred, and bloodshed, has adopted, in defining one of the most important fundamental rights of man. But our doctors would never dissociate chauvinism from Islam.

Propagation of other Religions

Closely allied to the punishment for apostasy is the right of non-Muslims publicly to preach their religion. The principle which punishes an apostate with death, must be applicable to public preaching of Kufr

....

Jihad

Earlier we have pointed out that one of the doctrines on which the Musalmans and Ahmadis are at variance is that of jihad. The doctrine at once raises a host of other allied matters, such as the meanings of *ghazi*, *shahid*, *jihad-bis-saif*, *jihad-fi-sabili'lla*, *dar-ul-Islam*, *dar-ul-harb*, *hijrat*, *ghanima*, *Khums*, and slavery, and the conflict or reconciliation of these conceptions with modern international problems such as aggression, genocide, international criminal jurisdiction, International Conventions and rules of Public International Law.

An Islamic State is *Dar-ul-Islam* namely a country where ordinances of Islam are established, and which is under the rule of a Muslim sovereign. Its inhabitants are Muslims and also non-Muslims who have submitted to Muslim control and who, under certain restrictions, and without the possibility of full citizenships, are guaranteed their lives and property by the Muslim State. They must, however, be people of Scriptures, and may not be idolators. An Islamic State is in theory perpetually at war with the neighbouring non-Muslim country, which at any time may become Dar-ul-harb, in which case, it is the duty of the Muslims of

that country to leave it, and to come over to the country of their brethren in faith....................

We shall presently point out why Mirza Ghulam Ahmad's version of the Doctrine of Jihad is relied on as a ground for his and his community's *kufr*, but before we do that, it is necessary first to state how *jihad* has been or is understood by the Mussalmans.

There are various theories about jihad which vary from the crude notion of a megalomaniac, moved by religious frenzy, going out armed with sword and indiscriminately slaughtering non-Muslims, in the belief that if he dies in the combat he becomes a shahid, and if he succeeds in killing, attains the status of a ghazi, to the conception that a Musalman throughout his life is pitted against kufr; kufr here being used in the sense of evil and wrong, and that his principal activity in life is to strive by argument, and where necessary by force, to spread Islam until it becomes a world religion. In the latter case he fights not for any personal end, but because he considers such strife as a duty and obligation which he owes to Allah, and the only recompense for which is the pleasure of Allah. The Shorter Encyclopaedia of Islam contains the following brief article on *jihad*:—

> "JIHAD (A) holy war. The spread of Islam by arms is a religious duty upon Muslims in general. It narrowly escaped being a sixth *rukn*, or fundamental duty, and is indeed still so regarded by the descendants of the kharidji's. This position was reached gradually but quickly. In the Meccan Suras of the Qur'an patience under attack is taught; no other attitude was possible. But at Medina the right to repel attack appears, and gradually it become a prescribed duty to fight against, and subdue, the hostile Meccans. Whether Muhammad himself recognised that his position implied steady and unprovoked war against the unbelieving world, until it was subdued to Islam, may be in doubt. Traditions are explicit on the point; but the Qur'anic passages speak always of the unbelievers who are to be subdued as dangerous, or faithless. Still, the story of his writing to the Powers around him shows that such a universal position was implicit in his mind, and it certainly developed immediately after his death, when the Muslim armies advances out of Arabia.
>
> It is now a *fard a'l-kifaya*, a duty in general on all male, free, adult Muslims, sane in mind and body and having means enough

to reach the Muslim Army, yet not a duty necessarily incumbent on every individual, but sufficiently performed when done by a certain number. So it must continue to be done, until the whole world is under the rule of Islam. It must be controlled or headed by a Muslim sovereign or imam.

As the imam of the Shias is now invisible, they cannot have a *jihad*, until he reappears.

Further, the requirement will be met, if such a sovereign makes an expedition once a year, or even, in the later view, if he makes annual preparation for one. The people against whom the *djihad* is directed must first be invited to embrace Islam. On refusal, they have another choice. They may submit to Muslim rule, become *dhimmis* (q.v.) and pay *djizya* and *kharadj* (q.v.) or fight.

In the first case, their lives, families and property are assured to them, but they have a definitely inferior status, with no technical citizenship, and a standing only as protected wards; if they fight, they and their families may be enslaved, and all their property seized as booty, four-fifths of which goes to the conquering Army. If they embrace Islam, and it is open to them to do so, even when the armies are face to face, they become part of the Muslim community, with all its rights and duties.

Apostates must be put to death. But if a Muslim country is invaded by unbelievers, the imam may issue a general summons calling all Muslims there to arms, and as the danger grows, so may be the width of the summons, until the whole Muslim world is involved.

A Muslim who dies fighting in the path of Allah (fi-sabil-Allah) is martyr (shahid) and is assured of paradise and of peculiar privileges there. Such a death was, in the early generations, regarded as the peculiar crown of a pious life. It is still, on occasions, a strong incitement, but when Islam ceased to conquer, it lost its supreme value. Even yet, however, any war between Muslims and non-Muslims must be a *djihad* with its incitements and rewards. Of course, such modern movements, as the so-called Mu'tazili in

India, and the Young Turk in Turkey, reject this, and endeavour to explain away its basis; but the Muslim masses still follow the unanimous voice of the canon lawyers. Islam must be completely made over, before the doctrine of *djihad* can be eliminated".

The generally accepted view is that the fifth verse to Sura-i-Tauba (Sura IX) abrogated the earlier verses revealed in Mecca, which permitted the killing of kuffar only in self-defence. As against this the Ahmadis believe that no verse in the Qur'an was abrogated by another verse, and that both sets of verses, namely, the Meccan verses and the relative verses in Sura-i-Tauba have different scopes, and can stand together. This introduces the difficult controversy of *nasikh* and *mansukh*, with all its implications.

It is argued on hehalf of the Ahmadis that the doctrine of nasikh and mansukh is opposed to the belief, in the existence of an original Scripture in Heaven, and that implicit in the doctrine, is the admission that unless the verse alleged to be repealed was meant for a specific occasion, and by the coming of that occasion fulfilled its purpose, and thus spent itself, God did not know of the subsequent circumstances, which would make the earlier verse inapplicable or lead to an undersired result. The third result of this doctrine, it is pointed out, cuts at the very root of the claim that the laws of Islam are immutable and inflexible, because if changed circumstances made a new Revelation necessary, any change in the circumstances subsequent to the completion of the revelation would make most of the Revelation otiose or obsolete. We are wholly incompetent to pronounce on the merits of this controversy, but what has to be pointed out is the result to which the doctrine of jihad will lead, if as appears from the article in the Shorter Encyclopaedia of Islam and other writings produced before us including one by Maulana Abul Ala Maudoodi and another by Maulana Shabbir Ahmad Usmani, it involves the spread of Islam by arms and conquest.

"Aggression' and 'genocide' are now offences against Humanity for which under sentences pronounced by different International tribunals at Nuremburg and Tokio the war lords of Germany and Japan had to forfeit their lives, and there is hardly any difference between the offences of aggression and genocide on the one hand and the doctrine of spread of Islam by arms and conquest on the other. An International Convention on Genocide is about to be concluded and Pakistan will probably be a signatory to it. In fact if the following verses in the Mecca Suras:—

Sura 11, *verses* 190 *and* 193:

190. "Fight in the Cause of God
Those who fight you,
But do not transgress limits;
For God loveth not transgressors".

193. "And fight them on
Until there is no more
Tumult or oppression,
And there prevail
Justice, and Faith in God;
But if they cease,
Let there be no hostility
Except to those
Who practise oppression".

Sura XXII, *verses* 39 *and* 40:

39. "To those against whom
War is made, permission
Is given (to fight) because
They are wronged;—and verily,
God is most powerful
For their aid;—"

40. "(They are) those who have
Been expelled from their homes
In defiance of right,—
(For no cause) except
That they say, 'our Lord
Is God.' Did not God
Check one set of people
By means of another,
There would surely have been
Pulled down monasteries, churches,
Synagogues, and mosques, in which
The name of God is commemorated
In abundant measure. God will
Certainly aid those who

> Aid His (cause)—for verily
> God is Full of Strength,
> Exalted in Might,
> (Able to enforce His Will)"

have not been abrogated, they contain in them the sublime principle which international jurists have only faintly begun to discover.

The law relating to prisoners of war is another branch of Islamic law which is bound to come in conflict with International Law..........

Reaction on Muslim citizens of Non-Muslim States

The ideology on which an Islamic State is desired to be founded in Pakistan must have certain consequences for the Mussalmans who are living in countries under non-Muslim sovereigns..............

...... If Pakistan is entitled to base its constitution on religion, the same right must be conceded to other countries where Mussalmans are in substantial minorities, or if they constitute a preponderating majority in a country where sovereignty rests with a non-Muslim community. We, therefore, asked the various ulema whether, if non-Muslims in Pakistan were to be subjected to this discrimination in matters of citizenship, the ulema would have any object to Muslims in other countries being subjected to a similar discrimination.......................

..........(One) witness goes to the extent of asserting that even if a non-Muslim Government were to offer posts to Muslims in the public services of the country, it will be their duty to refuse such posts........

.... The ideology advocated before us, if adopted by Indian Muslims, will completely disqualify them for public offices in the State, not only in India but in other countries also which are under a non-Muslim Government. Muslims will become perpetual suspects everywhere, and will not be enrolled in the army because according to his ideology, in case of war between a Muslim country and a non-Muslim country, Muslim soldiers of the non-Muslim country must either side with the Muslim country or surrender their posts................................

Other Incidents

Other incidents of an Islamic State are that all sculpture, playing of cards, portrait painting, photographing human beings, music, dancing,

mixed actin g, cinemas and theatres will have to be closed............

.... The soldier or the policeman will have the right, on grounds of religion, to disobey a command by a superior authority......

.... We have dwelt at some length on the subject of Islamic State not because we intended to write a thesis against, or in favour of, such a State, but merely with a view to presenting a clear picture of the numerous possibilities that may in future arise, if true causes of the ideological confusion which contributed to the spread and intensity of the disturbances are not precisely located.

That such confusion did exist, is obvious because otherwise Muslim Leaguers, whose own Government was in Office, would not have risen against it; sense of loyalty and public duty would not have departed from public officials who went about like maniacs howling against their own Government and officers; respect for property and human life would not have disappeared in the common man, who with no scruple or compunction began freely to indulge in loot, arson and murder; politicians would not have shirked facing the men who had installed them in their offices; and administrators would not have felt hesitant or diffident in performing what was their obvious duty.

If there is one thing which has been conclusively demonstrated in this inquiry, it is that provided you can persuade the masses to believe that something they are asked to do is religiously right or enjoined by religion, you can set them to any course of action, regardless of all considerations of discipline, loyalty, decency, morality or civic sense.

Pakistan is being taken by the common man, thought it is not, as an Islamic State. This belief has been encouraged by the ceaseless clamour for Islam and Islamic State that is being heard from all quarters since the establishment of Pakistan.

The phantom of an Islamic State has haunted the Mussalman throughout the ages, and is a result of the memory of the glorious past when Islam rising like a storm from a least expected quarter of the world—the wilds of Arabia—instantly enveloped the world, pulling down from their high pedestal gods who had ruled over Man since the creation, uprooting centuries' old institutions and superstitions and suplanting all civilisations that had been built on an enslaved humanity.

What is 125 years in human history, nay in the history of a people, and yet during the brief period Islam spread from the Indus to the Atlantic and Spain, and from the borders of China to Egypt, and the Sons of the Sesert installed themselves in all old centres of civilisation—in Ctesiphon, Damascus, Alexandria, India and all places associated with the names of the Sumerian and the Assyrian civilisations.

Historians have often posed the question: what would have been the state of the world today, if Muawiya's siege of Constantinople had succeeded, or if the proverbial Arab instinct for plunder had not suddenly seized the mujahids of Abdur Rehman in their fight against Charles Martel on the plains of Tours in Southern France.

May be Muslims would have discovered America long before Columbus did, and the entire world would have been Moslemised; may be Islam itself would have been Europeanised.

It is this brilliant achievement of the Arabian nomads, the like of which the world had never seen before, that makes the Mussalman of today live in the past, and yearn for the return of the glory that was Islam. He finds himself standing on the crossroads, wrapped in the mantle of the past, and with the dead weight of centuries on his back, frustrated and bewildered and hesitant to turn one corner or the other. The freshness and the simplicity of the faith, which gave determination to his mind and spring to his muscle, is now denied to him. He has neither the means nor the ability to conquer, and there are no countries to conquer. Little does he understand that the forces, which are pitted against him, are entirely different from those against which early Islam had to fight, and that on the clues given by his own ancestors, human mind has achieved results which he cannot understand. He therefore finds himself in a state of helplessness, waiting for some one to come and help him out of this morass of uncertainty and confusion. And he will go on waiting like this without anything happening. Nothing but a bold re-orientation of Islam, to separate the vital from thelifeless, can preserve it as a World Idea and convert the Mussalman into a citizen of the present and the future world, from the archaic incongruitythat heis today.

It is this lack of bold and clear thinking, the inability to understand and take decisions which has brought about in Pakistan a confusion which will persist and repeatedly create situations of the kind we have been inquiring into, until our leaders have a clear conception of the goal and of the means to reach it.

It requires no imagination to realise that irreconcilables remain irreconcilable, even if you believe or wish to the contrary. Opposing principles, if left to themselves, can only produce confusion and disorder, and the application of a neutralising agency to them can only produce a dead result.

Unless, in case of conflict between two ideologies, our leaders have the desire and the ability to elect, uncertainty must continue. And as long as we rely on the hammer, when a file is needed, and press Islam into service to solve situations it was never intended to solve, frustration and disappointment must dog our steps.

The sublime faith called Islam will live even if our leaders are not there to enforce it. It lives in the individual, in his soul and outlook, in all his relations with God and men, from the cradle to the grave, and our politicians should understand that if Divine commands cannot make or keep a man a Mussalman, their statutes will not....................

APPENDIX IV

Islamic Nationhood Defined

(*On* 9 *March* 1938 *Hakimul Ummat Allama Dr.Sir Mohammad Iqbal issued the following statement in Reply to Maulana Syed Hussain Ahmad Madni's Thesis in support of Territorial Nationalism for Indian Muslims*).

I have used the word "millat" in the sense of "qaum" (nation). No doubt, the word "millat" has been used to mean law and religion in Arabic, and especially in the holy Quran, but there exists in modern Arabic, Iranian and Turkish languages considerable evidence to show that the word "millat" is also used in the sense of a nation.

In my writings I have generally used the word in the latter sense. But in view of the fact that the meaning of the word "millat" does not, to any extent, affect the issues under consideration, I, leaving aside this controversy altogether, take it that Maulana Hussain Ahmad said that nations are formed by lands. As a matter of fact, I have nothing to say even against this statement of the Maulana. Objection must, however, be raised when it is contended that in modern times nations are formed by lands, and the Indian Muslims are advised to accept this view. Such advice brings before our minds the Western modern conception of nationalism, to one aspect of which it is absolutely essential for a Muslim to take exception. It is a pity that my objection has led the Maulana to think that what I had in mind was to propagate the cause of some political party. Far from it. I have been repudiating the concept of nationalism since the time when it was not well known in India and the Muslim world. At the very start it had become clear to me from the writings of European authors that the imperialistic designs of Europe were in great need of this effective weapon: the propagation of the European conception of nationalism in Muslim countries to shatter the religious unity of Islam to pieces. And the plan did succeed during the Great War. It has now reached its climax, in as much as some of the religious leaders in India lend their support to this conception. Strange, indeed, are the vicissitudes of time. Formerly, the half-Westernized educated Muslims were under the spell of Europe:

now the curse has descended upon religious leaders. Perhaps modern conceptions of Europe seem attractive to them but alas !

Life cannot be restored to Ka'ba
by means of borrowing for it some new idols from Europe.

I have just said that the Maulana's statement that nations are formed by lands is not open to objection. This is so because from remote past nations have been associated with countries and countries with nations. We are all Indian, and are so called because we live in the part of world which is known by the name of India. So with the Chinese, the Arabs, the Japanese, the Iranians, etc. The word "country" used in this statement is merely a geographical term and as such does not clash with Islam. Its boundaries change with time. Till recently those living in Burma were Indians; at present they are Burmese. In this sense every human being loves the land of his birth, and according to his capacity remains prepared to make sacrifices for it. Some unthinking persons support this by the saying *Hubbul-watan-e-minal-I'man* (Love of one's native country is a part of one's faith) which they think is a tradition of the Prophet, but this is hardly necessary. Love of one's native land is a natural instinct and requires no impressions to nourish it. In the present-day political literature, however, the idea of nation is not merely geographical; it is rather a principle of human society, and as such it is a political concept. Since Islam also is a law of human society, the word "country" when used as a political concept, comes into conflict with Islam. No one else knows it better than Maulana Hussain Ahmad that inits principles of human association Islam admits of no *modus vivendi* and is not prepared to compromise with any other law regulating human society. Indeed it declares that every code of law other than that of Islam is inadequate and unacceptable. This principle raises some political controversies closely connected with India. For instance, cannot the Muslims live in unity with other nations? Cannot the various nations and communities unite for serving the country's ends, and so on and so forth? I must, however, perforce, leave these questions aside, because at the moment my object is to criticise the religious aspect alone of the Maulana's statement.

Besides rational arguments, experience also proves the truth of the above-mentioned claim of Islam. First, if the purpose of human society is to ensure peace and security for the nations and to transform their present social organism into a single social order, then one cannot think

of any other social order, than that of Islam. This is so because, according to my reading of the Quran, Islam does not aim at the moralrefor mation of the individual alone; it also aims at a gradual but fundamental revolution in the social life of Mankind, which should altogether change its national and racial view-point, and create in its place a purely human consciousness. The history of religions conclusively shows that in ancient times religion was national, as in the case of Egyptians, Greeks and Iranians. Later on, it became racial as that of the Jews. Christianity taught that religion is an individual and private affair. Religion having become synonymous with private beliefs, Europe began to think that the State alone was responsible for the social life of man. It was Islam and Islam alone which for the first time, gave the message to Mankind that religion was neither national and racial, nor individual and private, but purely human, and that its purpose was to unite and organise Mankind despite all its natural distinctions.

Such a system cannot be built on beliefs alone. And this is the only way in which harmony and concord can be introduced in the sentiments and thoughts of Mankind. This harmony is essential for the formation and preservation of a community. How beautifully sings Maulana Roomi :

Common sentiments are preferable to a common language.

Any other way will be irreligious and contrary to human dignity. The example of Europe is before the world.

When the religious unity of Europe got shattered and the nations of that Continent became disunited, Europeans began to search for the basis of national life. Obviously, Christianity could not be such a basis. The Europeans found this basis in the idea of nationality. But what has been the end of their choice? The Reformation of Luther, the period of unsound Rationalism, and separation—indeed war—between the principles of religion and State. Where did these forces drive Europe to? To irreligiousness, religious scepticism and economic conflicts.

Does Maulana Hussain Ahmad desire that the experiment should be repeated in Asia? The Maulana thinks that in the present-day world "land" is the necessary basis of a nation. No doubt, this is the general feeling these days, but it is also evident that this basis is by itself inadequate. There are a number of other forces also which are

necessary for the formation of a nation. For instance, indifference towards religion, absorption in the day to day political issues, and so on. Besides, there are also other factors which statesmen think out for themselves as means for maintaining unity and harmony in that nation. The Maulana ignores the fact that if such a nation comprises different. religions and communities, the communities generally die away and the only common factor that remains in the individuals of that nation is irreligiousness. Not even a layman, let alone religious leaders, who thinks that religion is a necessary factor for human life, desires that such a state of affairs should be brought about in India. So far as the Muslims are concerned, it is a pity that, simple-minded as they are, they are not fully aware of the consequences of this view of nationalism. If some Muslims have fallen into the error that religion and nationalism can go hand in hand as a political concept, then I want to give a timely warning to the Muslims that this course will ultimately lead to irreligiousness. And if this does not happen, Islam will be reduced to an ethical ideal with indifference to its social order as an inevitable consequence.

But the mischief latent in Maulana Hussain Ahmad's statement demands closer examination. I, therefore, hope that readers will peruse the following lines carefully. Maulana Hussain Ahmad is a learned divine; he cannot therefore be unaware of the dangerous consequences of the view he has set forth for the followers of Muhammad. Whether he has used the word "qaum" or "millat" is immaterial. To use a word for a party which, according to him, consists of the followers of Muhammad and to hold that "land" forms the basis of that party is very regrettable and unfortunate. It appears from his statement that he does feel conscious of his mistake, but not to the extent which should lead to its admission or rectification. A purely verbal and philological argument is mere quibbling. And a philological distinction between "millat" and "qaum" is no consolation. The distinction may perhaps console those who are unaware of the truths of the faith of Islam. Surely, this statement cannht deceive those who are in the know of things.

The Maulana has not realized that by offering his interpretation he has put before the Muslims two wrong and dangerous views. First, that the Muslims as a nation can be other than what they are as a Millat.

Secondly, because as a nation they happen to be Indians, they should, leaving aside their faith, lose their identity in the nationality of other

Indian nations or in "Indianism". It is merely quibbling on the word 'qaum' and 'millat'. Otherwise the view is the same that has been described above, and which the major community in this country and its leaders are every day persuading the Indian Muslims to adopt, viz., that religion and politics are entirely separate, and if the Muslims want to live in this country they must understand religion to be a merely private affair which should be confined to individuals alone. Politically they should not regard themselves as a separate nation; they should rather lose themselves in the majority.

By saying that he has not used the word "millat" in his speech, the Maulana seems to pretend that he regards millat as something higher than nation. "There is" he says, "a world of difference between the two, and if the nation be compared to the earth, millat is like heaven". In actual practice, however, he has left no place for millat, by preaching to the eight crore Muslims to lose their identity in the country, and therefore in the majority, and to make nation a heaven, and to ignore the fact that Islam will thereby be reduced to the status of the earth.

By supposing that I was unaware of the difference between the meanings of qaum and millat and that before writing the verse I had neither examined the Press report of the Maulana's speech nor looked up *Qamus*, the Maulana has charged me with ignorance of the Arabic language. I welcome the charge. It would, however, have been better if the Maulana had, if not for me, at least for the sake of the Muslim community, passed beyond the Qamus and referred to the Quran and before placing this dangerous and un-Islamic view before the Muslims, had consulted the Holy Revelation sent by God. I admit that I am neither a learned divine nor a literateur in Arabic:

Devotion is poor in vocabulary,
The Jurist has too many words,

But why was the Maulana content with the Qamus alone? Has not the word "qaum" been used hundreds of times in the Quran? And has not the word 'millat" occurred repeatedly in the Quran? What do qaum and millat mean in the Quranic verses? Is not the word "ummat" also used in addition to these two words to denote the followers of the Prophet? Are these words so divergent in meaning that because of this difference one single nation can have different aspects, so much so that in matters of religion and law, it should observe the Divine Code, while from the

view-point of nationality it should follow a system which may be opposed to the religious system?

Had the Maulana sought evidence from the Quran, I am confident, the solution of this problem would have automatically suggested itself to him. The philological meaning of the words given by the Maulana is to a great extent correct. "Qaum" literally means "a group of persons excluding women". Philologically, then, women are not included in the qaum. But it is obvious that when the Holy Quran makes mention of the qaum of Musa and the qaum of A'd, women are included in qaum. Millat also means religion and law. But the question is not one of difference between the dictionary meanings of the two words. The real question is this: "First, are the Muslims collectively a single, united and definite party founded on the Unity of God and the Finality of Prophethood as its basis, or are they a party which owing to the requirements of race, nation and colour can, leaving aside their religious unity, adopt some other social order based upon a different system and law? Secondly, has the Quran ever employed the word "qaum" to denote this idea? Or does it use the words "ummat" or "millat" only? Thirdly, which word does the Divine Revelation employ in this connection? Does any Quranic verse say, "O ye people or " "O ye faithful" join the "qaum of Muslims" or follow it? Or is the call to follow the millat, and to join the ummat?

So far as I have been able to understand, wherever the Quran calls upon the people to follow and join the Muslim party, the word "millat" or "ummat" is used. There is no call to follow or join any particular nation. For instance the Quran says:

Who is better in religion than he who surrenders his self to Allah, while doing good (to man) and follows the Millat of Abraham—the upright (IV—125).

The call is to obey and to follow millat because millat stands for a religion, a law and a programme. As qaum is no law or religion, it was of no use calling upon people to follow and to adhere to it. A group, whether it be a tribe or a race, band of dacoits or a company of business men, the dwellers of a city or the inhabitants of a country as a geographical unit, is a mere group either of men or both men and women. From the view point of Divine Revelation and of a Prophet, this group is not yet a guided one. If revelation to a Prophet appears in this group, it will be the first to be addressed and it is for this reason associated with it, e.g.

qaum of Noah, qaum of Moses and qaum of Lot. If, on the contrary, this group instead of following a Prophet follows a King or a Chief, it will be attributable to him also. *e.g.* the qaum of A'd, the qaum of Pharoah.

If two groups happen to live in one country and if they follow mutually opposed leaders, they can still be associated with both the leaders; for instance, the qaum of Moses lived side by side with the qaum of Pharoah:

The Chief of Pharoah's people said: Wilt thou suffer Moses and his people to make mischief in the land (VII: 127).

But wherever the word "qaum" it is used to mean a group including both the guided and the unguided. Those who followed the Prophet, professed the unity of God, became part and parcel of the millat of that Prophet and his religion. In plainer language, they became Muslims. It must be remembered that the unbelievers can also have a faith and millat:

> "*Lo' I have foresaken the religion of a people who do not believe in God (XII:*37).

A qaum can have a millat or a particular way of life. The millat of a qaum, on the other hand, has nowhere been used. This means that, in the Quran, God has used the word "millat" and not "Qaum" for those persons who after renouncing different qaums and millats embraced the millat of Ahraham,

What I have said above means that, so far as I have been able to see, no other word except ummat has been used for Muslims in the Holy Quran. If it is otherwise, I would very much like to know it. Qaum means a party of men, and this party can come into being in a thousand places and in a thousand forms upon the basis of tribe, race, colour, language, land and ethical code. Millat, on the contrary, will carve out of the different parties a new and common party. In other words, millat or ummat embraces nations but cannot be merged in them.

Circumstances have forced the present-day "ulama"to say things and interpret the Quran in a way which could never have been the intention of the Prophet and the Quran. Who does not know that Abraham was the

first Prophet in whose revelation the distinctions of nations, races and lands were set aside? Humanity was divided into two classes only—monotheists and polytheists. Since then there are only two ummats in the world, without a third. The guardians of the Kaaba have today neglected the call of Abrahim and Ishmael. Those who have put on the garb of nationalism do not think of that prayer of the founders of this millat which the two Prophets uttered when laying the foundation of the Kaaba:

And when Abraham and Ismael were raising the foundations of the House. (Abraham Prayed): Our Lord! Accept from us (this duty). Lo! Thou, only Thou, art the Hearer, the Knower, Our Lord! And make us submissive unto Thee and of our seed a nation submissive unto Thee (*II*: 127-8).

After getting the name of ummat-i-Muslimah from the Court of God was there any room left for merging part of the form of our society into some Arabian, Iranian, Afghani, English, Egyptian or Indian nationality? There is only one millat confronting the Muslim community, that of the non-Muslims taken collectively.

The name of the faith which the Muslim community professes is "din-i-qayyim" in which term lies concealed a remarkable Quranic point, namely, that it is this religion alone in which is vested the responsibility of sustaining the present and future life of a group of people which surrenders its individual and social life to its system. In other words, according to the Quran, it is the religion of Islam alone which sustains a nation its true cultural or political sense. It is for this reason that the Quran openly declares that any system other than of Islam must be deprecated and rejected.

There is another subtle point which the Muslims must ponder over. If the sentiment of nationalism was so important and valuable, why then did some of the people of his own family, race and land rise up against the Holy Prophet (God's blessings be upon him)? Why did the Prophet not regard Islam as an all-embracing millat, and from the view-point of nation or nationalism continue to own and encourage Abu Jehl and Abu Lahab? Indeed why did he not keep the bond of national affinity with them in the political affairs of Arabia? If Islam stood for complete independence, the Quraish of Mecca had the same ideal before them.

It is unfortunate that the Maulana does not consider the fact that the Messenger of God was concerned with the freedom of the upright faith of Islam, and the Muslim Community. To ignore the Muslims or to make them subservient to some other social order, and then to seek some other kind of freedom was simply meaningless. The Prophet had to wage defensive war against Abu Jehl and Abu Lahab, because they could not tolerate Islam flourishing in freedom.

Before his call to prophethood, the nation of Mohammad (Peace be upon him) was no doubt a nation and a free one, but as Muhammad's ummat began to be formed, the status of the people as a nation become a secondary one. Those who accepted Muhammad's leadership, became part and parcel of the Muslim or Muhammadan community irrespective of the fact whether they belonged to his own nation or other nations. Formerly they had been slaves of land and race; land and race now became their slaves:

He who sticks to race or country, does not understand the religion of Arabia; had nation been founded on country, Mohammad need not have could upon Abu Lahab to change his Religion.

It was a very easy course for Muhammad to tell Abu Lahab, Abu Jehl, or the Unbelievers of Mecca that they could stick to their idol-worship, while he himself would hold fast to the worship of God, and that they could together form an Arabian unity by virtue of the factors of race and land common to them both.

God forbid, but if he had adopted this course, it would certainly have done him credit as a patriot but not as the Last Prophet. The ultimate purpose of the prophetic mission of Muhammad (may peace be upon him) is to create a form of society, the constitution of which follows that Divine Law which the Prophet Muhammad received from God. In other words, the object is to purify the nations of the world of the abuses which go by the name of time, place, land, nation, race, geneology, country, etc. although the differences of nations, tribes, colours and languages are at the same time acknowledged. It is thus to bestow upon man that spiritual idea which at every moment of his life remains in constant contact with Eternity. This is where Muhammad stands, and this is the ideal of the Muslim community. How many centuries will it take man to reach these heights, none can say, but there is no

doubt that in removing the material differences between the nations of the world and bringing about harmony among them in spite of their difference of nations, tribes, races, colours and languages, Islam has done something in thirteen hundred years what other religions could not do in three thousand years. Take it from me that the religion of Islam is an imperceptible and unfeelable biologico-psychological activity which is capable of influencing the thoughts and actions of mankind without any missionary effort. To invalidate such an activity by the innovations of present-day political thinkers is to do violence to mankind as well as to the universality of that prophetic mission which gave birth to it.

That part of Maulana Hussain Ahmad's statement in which he has asked the Editor of the *Ehsan* to produce an authority in support of the view that the millat of Islam is founded upon Human Dignity and Brotherhood, must surprise many Muslims. To me, however, it has not come as a surprise, because like misfortune error too never comes alone. When a Muslim's mind and heart are overpowered by that idea of nationalism which the Maulana is preaching, then it is inevitable that various kinds of doubts should arise in his mind concerning the foundation of Islam. From nationalism, thoughts naturally move forwards the idea that Mankind has been so sharply divided into nations that it is impossible to bring about unity among them. This second error which arises from nationalism gives birth to the conception of the relativity of religions, i.e. the religion of a land belongs to that land alone, and does not suit the temperaments of other nations. This third error must inevitably lead to irreligiousness and ascepticism.

This is the psychological analysis of that unfortunate Muslim who becomes a victim of spiritual paralysis. So far as the question of authority is concerned, the whole of the Quran is an authoritative verdict for it. There should be no misunderstanding about the words "Dignity of man". In Islamic thoughts these words mean that higher reality which has been vested in the heart and conscience of man, i.e. his inner structure derives itself from the immutable Divine Law, and that his dignity depends for its continuance and preservation upon that yearning for the Unity of God which permeates his whole being.

The history of man is an infinite process of mutual conflicts, sanguine battles and civil wars. In these circumstances can we have among Mankind a constitution, the social life of which is based upon peace and

security? The Quran's answer is: Yes, provided man takes for his ideal the propagation of the Unity of God in the thoughts and actions of Mankind. The search for such an ideal and its maintenance is no miracle of political manoeuvring: it is a peculiar greatness of the Holy Prophet that the self-invented distinctions and superiority complexes of the nations of the world are destroyed and there comes into being a community which can be styled "*a Nation subminive to thee*" and to whose thoughts and actions the divine dictate "*Witnesses against Mankind*" justly applies.

The truth is that in the mind of Maulana Hussain Ahmad and others who think like him, the conception of nationalism in a way has the same place which the rejection of the Finality of the Holy Prophet has in the minds of Qadianis. The upholders of the idea of nationalism in other words, say that, in view of the present-day needs, it is necessary for the Muslim community to take up a position in addition to what the Divine Law has prescribed and defined for them for all time to come; in the same way in which the Qadiani view, by inventing a new prophethood, directs the Qadiani thought into a channel which ultimately leads to the denialof the perfection and consummation of prophethood in Muhammad. *Prima facie* nationalism is a political concept, while the Qadiani denial of the Finality of Muhammad is a theological question, but between the two there exists a deep inner relationship which can be clearly demonstrated only when a Muslim historian gifted with acute insight compiles a history of Indian Muslims with particular reference to the religious thought of some of their apparently energetic sects.

Let me conclude this articles by quoting two verses from Khaqani in which he has addressed his contemporary Muslim thinkers who thought that perfection of knowledge consisted in interpreting the truths of Islam in the light of Greek Philosophy. With a little change in meaning these verses aptly describe the present-day Muslim political thinkers.

Do not stamp the Arabian religion with Greek thought. Do not condemn an innocent child to an Evil Destiny.

APPENDIX V

Statistics of the Economic Development of Northwest India (1857—1920).

Foreign-Born Urban Population

The proportion of the citizens of the big towns who were foreign born was as follows:—

	1911	1921
Delhi	36%	48%
Amritsar	20%	22%
Ambala	43%	45%
Sialkot	20%	35%
Lahore	43%	54%
Multan	26%	20%
Jullundur	18%	39%
Ferozepore	49%	52%

Dates of Construction of Railways

The first railway line was put under construction in 1856, and opened for traffic in 1861. Another account says: the line from Amritsar to Lahore started working on 10 April 1862 A. C. Wood had to be used as fuel. The line from Lahore to Multan which at that time was connected with Karachi by the boats of the old Indus Flotilla, was opened in 1865. Coal was introduced in 1872, in which year one goods train left Lahore daily for Ghaziabad. Through communication with Calcutta and Bombay was established in 1887. Thereafter progress was steady, if not rapid, as the following details show :—

Main Lines:—

South to Lahore	231 miles, opened in	1870.
Lahore to West	418 ,, ,,	1878.
Lahore to North	242 ,, ,,	1880.

Branches:—

Golra-Basal ..	..	47 ,, ,,	1881.
Amritsar-Pathankot ..	..	67 ,, ,,	1884.
Rajpura-Bhatinda ..	..	107 miles, opened in	1889.
Sind-Sagar ..	..	342 ,, ,,	1890.
Sialkot (1884) Jammu	..	36 ,, ,,	1890.
Raiwind-Ferozepur ..	..	33 ,, ,,	1892.
Southern Punjab, main line	..	400 ,, ,,	1897.
Narwana-Kaithal ..	..	23 ,, ,,	1899.
Kundian-Campbellpur	..	120 ,, ,,	1899.
Ferozepur-Bhatinda ..	..	55 ,, ,,	1899.
Wazirabad-Khanewal	..	201 ,, ,,	1900.
Ludhiana-Jakhal ..	..	79 ,, ,,	1901.
Kalka-Simla ..	..	59 ,, ,,	1903.
Ludhiana-Macleod Ganj	..	152 ,, ,,	1906.
Jech-Doab ..	..	149 ,, ,,	1906.
Shahdara-Sangla ..	..	55 ,, ,,	1907.
Khanewal-Lodhran ..	..	56 ,, ,,	1909.
Amritsar-Patti (1906) Kasur	..	54 ,, ,,	1910.
Kasur-Lodhran ..	..	208 ,, ,,	1910.
Khanpur-Chachran ..	..	22 ,, ,,	1911.
Chichoki-Shorkot ..	..	136 ,, ,,	1911.

Development in the Punjab

The Bari Doab Canal was opened in 1859, and the Sirhind Canal in 1870. Thereafter progress was rapid as the following figures show:—

Year	Railway mileage	Canal mileage	Miles of metalled roads	Cultivated area (million acres)	Land revenue in lakhs of rupees
1872-73 ..	410	2,744	1,036	18.8	201
1882-83 ..	600	4,583	1,467	23.4	206
1892-93 ..	1,725	12,368	2,142	26.7	223
1902-03 ..	..	16,893	..	26.8	230
1912-13 ..	4,000	16,935	2,614	29	360
1919-20 ..	4,441	19,664	2,938	30	400

Dates of Canal Constrcution

Name of canal		Date of opening	Revenue on capital outlay interest not deducted (1920-21)
			Per cent
Western Jumna	..	1871	11.27
Sirhind	..	1883	12.63
Lower Jhelum	..	1901	19.16
Upper Jhelum	..	1915	0.25
Upper Bari Doab	..	1860-61	17.31
Lower Bari Doab	..	1913	15.68
Lower Chenab	..	1892	44.35
Upper Chenab	..	1912	8.64
Upper Sutlej Inundation	..	..	15.64
Indus Inundation	..	..	3.09
Sidhnai	..	..	17.65

Rail-borne Trade

Year		Imports		Exports	
		Weight	Value	Weight	Value
		Lakhs Mds.	*Lakhs* Rs.	*Lakhs* Mds.	*Lakhs* Rs.
1882-83	..	63	710	103	373
1992-93	..	122	920	160	694
1902-03	..	251	1,546	249	1,150
1911-12	..	551	2,984	566	2,688
1919-20	..	655	5,287	413	4,405

Cultivated Area of the Punjab

Year	Irrigated by canals	Irrigated from wells, etc.	Unirrigated	Total cultivated area
1868-69 ..	1,373,000	4,612,000	14,187,000	20,172,000
1918-19 ..	9,000,000	3,500,000	16,500,000	29,000,000

Prosperity and Increase of Population

Those statistics pertain to the area of the United Punjab:—

Year			Population	Average annual rate of increase
1868	..	..	16,250,000	.47
1881	..	..	17,270,000	+.47
1891	..	..	19,000,000	+.96
1901	..	..	20,330,000	+.67
1911	..	..	19,975,000	+.18
1921	..	..	20,685,024	..

The Increase in number of Tenants

Year		Tenants-at will	Occupancy tenants	Total
1872-73	..	650,000	379,000	1,100,000
1882-83	..	1,096,000	512,000	1,608,000
1892-93	..	2,874,000	758,000	3,632,000
1902-03	..	3,077,000	940,000	4,017,000

Agricultural classes in 1911

31.4	per cent of the total population are	rent payers.
19	,, ,, ,,	cultivating proprietors.
2.6	,, ,, ,,	rent receivers (not cultivating proprietors).
5	,, ,, ,,	classified as miscellaneous.

Increase of Tenants-at-Will

The area cultivated by tenants-at-will increased as follows:—

1892-93	..	9,026,000	acres out of 22,500,000 or 40%
1902-03	..	14,133,000	acres out of 25,780,000 or 43%
1916-17	..	12,450,000	

Reduction of State assessment from Land

The extent of the reduction of assessment may be illustrated by the following figures showing the Government share of the Proprietory produce in India as a whole:—

1812	91%
1822	83%
1833	70—75%
1844	67%
1855	50%
1875	50%

Increase in price of Land

Increase in the price of agrarian land may be illustrated by the following figures for the province of the Punjab:—

1875-76..	Average price per acre	.. 20 or 31 times the land revenue
1880-81..	Ditto	.. 18 or 32 ,, ,,
1885-86..	Ditto	.. 16 or 36 ,, ,,
1809-91..	Ditto	.. 30 or 50 ,, ,,

The official figures now give the average price per cultivated acre as follows:—

1885-86	.. .. ..	30	times the land revenue
1890-91	.. .. ..	61	,, ,,
1895-96	.. .. ..	59 or 56	,, ,,
1900-01	.. .. ..	77 or 89	,, ,,
1905-06	.. .. ..	85 or 105	,, ,,
1910-11	.. .. ..	124 or 127	,, ,,
1916-17	.. .. ..	227 or 157	,, ,,

Money-lenders in the Punjab

Year	Number assessed to tax	Tax	Income subject to tax	Money on Loan
		Rs. (Lakhs)	Rs. (Lakhs)	Rs. (Lakhs)
1897-98	.. ..	3.8	150	12,000
1902-03	.. 8,400	4	165	13,00
1907-08	.. 10,300	4.38	188	15,00
1912-13	.. 12,500	5.13	213	17,00
1917-18	.. 15,035	7.42	350	28,00

Average area sold in acres

Year	By agricultural tribes	To agricultural tribes	Gain or loss
1902-03 to 1905-06 ..	150,000	149,000	— 1,000
1906-07 to 1910-11 ..	170,000	178,000	+ 8,000
1911-12 to 1915-16 ..	188,000	217,000	+39,000
1916-17 ..	183,000	203,000	+20,000
1919-20 ..	166,000	191,000	+25,000

Area Mortgaged

Year	Area mortgaged by agricultural tribes	Area redeemed by agricultural tribes	Area mortgaged to agricultural tribes
1902-03 to 1905-06 ..	190,000	178,000	162,000
1906-07 to 1910-11 ..	240,000	296,000	219,000
1911-12 to 1915-16 ..	264,000	270,000	238,000
1916-17 ..	246,000	299,000	220,000
1919-20 ..	284,500	348,000	267,500

Total Cultivated Area Mortgaged

District	PERCENTAGE OF TOTAL CALTIVATED AREA MORTGAGED		
	1900-01	1916-17	1919-20
Gurdaspur ..	25.5	20.9	21.2
Sialkot	25.1	23.5	23.6
Multan	17.7	10.1	9.7
Amritsar	17.0	16.3	16.5
Gujrat	16.1	12.4	11.5
Kangra	16.2	12.9	11.5
Rohtak	10.0	12.3	11.5
Gujranwala	10.0	7.1	9.3
Jhelum	9.0	7.7	6.6
Karnal	7.0	6.4	8.4
Hissar	5.6	8.0	5.8
Jhang	4.2	10.4	10.1

Financial Prosperity

The Punjab entered upon an unbroken era of prosperity after 1895-96 with the opening of the Lower Chenab Canal. The figures for receipt and dispatch of Postal Money Orders are suggestive:—

Net balance, for the Punjab, of Money Orders paid in the province, less money orders issued.

Year			Inland	Foreign
1880-81	..	..	—21,38,000	—1,63,000
1885-86	..	..	—26,28,000	—1,57,000
1890-91	..	..	—33,57,000	—31,000
1895-96	..	..	—31,28,000	+33,000
1900-01	..	..	+56,56,000	+25,28,000
1905-06	..	..	+59,59,000	+14,93,000
1910-11	..	..	+92,05,000	+33,14,000
1915-16	..	..	+1,18,01,000	+33,14,000
1916-17	..	..	+1,65,63,000	+45,37,000
1917-18	..	..	+2,35,84,000	+58,69,000

The growth of limited companies

Of the 79 companies in the province in 1920, 14 were under British management with a paid-up capital of 247 lakhs of rupees; 65 were under Indian management with a paid-up capital of 78 lakhs. Only 20 were engaged in manufactures with a paid-up capital of 40 lakhs. The following table indicates the gradual growth of confidence:—

Year			No. of companies	Paid-up Capital
				Rs.
1889-90	..	..	22	39,60,000
1894-95	..	..	20	47,80,000
1899-00	..	..	52	74,10,000
1904-05	..	..	59	1,01,80,000
1909-10	..	..	136	1,72,06,000
1914-15	..	..	99	1,49,70,000
1919-20	..	..	79	3,25,14,000

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